UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/5/Add.4
25 January 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 14 (c) of the provisional agenda

SPECIFIC GROUPS AND INDIVIDUALS

MASS EXODUSES AND DISPLACED PERSONS

Report of the Representative of the Secretary-General on internally displaced persons, Mr. Francis Deng, submitted pursuant to Commission on Human Rights resolution 2000/53

Addendum

Profiles in displacement: Georgia*

* The executive summary of this mission report is being circulated in all official languages. The report itself is contained in the annex to the executive summary and is being circulated in the language of submission and Russian only.

GE.01-10622 (E)

Executive Summary

At the invitation of the Government of Georgia, the Representative of the Secretary-General on Internally Displaced Persons, Francis M. Deng, undertook an official mission to Georgia, from 13 to 17 May 2000.

The objectives of the mission were fourfold. First, and generally, to study first hand the situation of internal displacement in the country and the current conditions of the internally displaced. Second, to understand the constraints impeding durable solutions to the plight of the displaced seven to nine years after displacement occurred. Third, to explore through dialogue with the Government and other authorities, international agencies, non-governmental organizations, other relevant actors and internally displaced persons themselves the possibilities for overcoming these constraints. Finally, on the basis of the findings in these three areas to recommend measures towards ensuring more effective responses.

By way of conclusion, it can be said that the mission achieved its four stated objectives. The visits to collective centres where many of the displaced currently reside, as well as to the regions of Abkhazia and South Ossetia from where they originate, proved particularly informative in meeting the first two objectives: to study the situation of internal displacement in Georgia and the current conditions of the internally displaced, and to understand the constraints impeding durable solutions to the displaced. It must be said that the findings of the mission challenge the impression frequently encountered in particular in the international community, that internally displaced persons in Georgia are a privileged group and thus that special programmes for them are unwarranted. To be sure, the population of Georgia as a whole faces socio-economic difficulties, but the displaced have additional disadvantages which need to be acknowledged and addressed. In protracted situations of displacement, the particular vulnerabilities of the displaced risk being forgotten. In Georgia, neither the vulnerabilities of the displaced nor the factors leaving them in conditions of vulnerability should continue to be overlooked. The third objective, of exploring through dialogue with the Government and other authorities, international agencies, NGOs, civil society and internally displaced persons themselves, possibilities for overcoming these constraints proved instrumental in meeting the fourth objective of formulating a number of recommendations towards ensuring more effective responses.

The Commission on Human Rights as well as the General Assembly have invited Governments of countries to which the Representative has undertaken an official mission to give due consideration to his recommendations and suggestions and to make available information on measures taken thereon. The Representative looks forward to further cooperation with all those involved in implementing the following recommendations, intended for the Government of Georgia, other authorities, the international community and local NGOs, towards enhancing response to the plight of Georgia's internally displaced persons.

(i) **Acknowledge the vulnerability and special needs of the internally displaced and their rights to protection, assistance, reintegration and development aid.** The findings of the Representative's mission challenge the prevailing impression that internally displaced persons in Georgia are a privileged group, by identifying

a number of particular problems and disadvantages that they face. International organizations, NGOs and government authorities should make known their special needs and take steps to address them.

(ii) **Disseminate and promote the Guiding Principles on Internal Displacement, especially in local languages.** Dissemination of the Principles to internally displaced persons is critical, as a means of countering the politically motivated misinformation concerning their rights that is being propagated. Translation of the Principles into local languages, in particular Abkhaz and Osset, would be important in this regard. The Principles also should be promoted among the authorities, agencies and NGOs and among local communities, so as to sensitize the population at large to the particular plight of internally displaced persons.

(iii) **The Government should design national policies and legislation, and international and local programmes in accordance with the Guiding Principles.** The Government's positive response to the Principles should be reflected in national legislation and policy. Among the initiatives which should facilitate this is the study of Georgian legislation relating to internally displaced persons to be undertaken by the Georgian Young Lawyers' Association, with the support of the Brookings Institution project on internal displacement and OSCE/ODIHR.

(iv) **The Government should ensure the full rights of internally displaced persons as citizens.** Though this recommendation is implicit in the previous recommendation, it merits express statement and the undertaking of specific measures, in particular with regard to equitable access to public services such as education and health, access to land, opportunities for income-generation and the right of internally displaced persons to participate fully in the civil and political decision-making processes that affect their lives. Legislation governing land ownership and entitlement to vote in elections needs to be revised so as to respect the rights of the internally displaced. The Government is encouraged to seek assistance from OHCHR, in the context of its technical cooperation and advisory services programme, to support initiatives to promote and protect the rights of internally displaced persons.

(v) **Improve the living conditions of displaced persons.** The Government, the international community and civil society should work together to improve the current living conditions of the displaced, especially those in collective centres. In particular, efforts should be made to encourage the relocation of internally displaced persons, especially those living in hospitals and dilapidated hotels, so that their lives and those of their children can be improved.

(vi) **The Government should ensure payment of the stipend to which internally displaced persons are entitled.** The 12 lari monthly stipend to which internally displaced persons are entitled is certainly not sufficient for their survival but it is

critical. Moreover, it is provided for by law. At the time of the mission, internally displaced persons had not received this stipend for six months.

(vii) **Support comprehensive and countrywide efforts to improve the current conditions of internally displaced persons.** Too much of the humanitarian focus is on certain groups and areas, to the neglect of others. Support programmes, such as the New Approach, should seek to become more comprehensive, encompassing internally displaced persons from the Georgian-Osset conflict, as well as those displaced by conflict in Abkhazia, and targeting rural as well as urban areas. In particular, they should be based on an objective assessment of vulnerability, and there should be rapid disbursement of funds from the international community and prompt implementation of projects to improve the lives of the displaced, especially in terms of their living conditions, opportunities for income-generation and access to land.

(viii) **Give special attention to the particular needs of women and women-headed households.** Skills training, business development and credit support initiatives targeting internally displaced women are required, as is strengthened support for organizations of internally displaced women. Towards ensuring that projects undertaken as part of the New Approach address the particular needs of women and women-headed households, as well as involve women in the planning and implementation, a gender component should be introduced as criteria for funding by the Georgia Self-Reliance Fund.

(ix) **Support programmes to address psychosocial needs.** The high incidence of mental health problems among the internally displaced and the impact that these have on the pursuit of possibilities to improve their living conditions and on the preservation of the family unit call for comprehensive programmes addressing psychosocial needs, and paying special attention paid to those of internally displaced children.

(x) **Uphold the right of internally displaced persons to return in safety and dignity.** The emphasis in the New Approach on improving the current conditions of internally displaced persons must in no way be misconstrued as abandoning the right to return, which is imprescriptible and must continue to be advocated and actively pursued by the Government, local NGOs and civil society, and the international community.

(xi) **End obstructions to the right to return in safety and dignity.** The national and de facto authorities must take concrete measures to ensure respect of this right and create the conditions for its realization. The Abkhaz authorities in particular are called upon to cease the laying of mines as a deterrent to return, to support de-mining efforts in areas of return, to make concerted efforts to establish law and order in areas of return and to revise, in accordance with international standards, the language of instruction policy in Georgian schools, which also works to obstruct return. Intensified human rights training of law enforcement officials, including on the rights of internally displaced persons, is required. The

Government of Georgia is called upon to ensure a fair and transparent process for property restitution or compensation and, together with the Government in Exile, to make concerted efforts to stem the incursion of armed partisan groups into the security zone established as part of the ceasefire agreement regarding the conflict in Abkhazia. The authorities in South Ossetia also are called upon to establish effective mechanisms of law and order and, in particular, to prevent ethnically motivated violence, prosecuting and punishing perpetrators when this does occur.

(xii) **Recognize the right of internally displaced persons to pursue alternatives to return, that is resettlement in another part of the country.** Given the politicization of the plight of internally displaced persons in Georgia, it is essential to ensure that the overriding emphasis on return, which indeed appears to be the preferred option of many of the displaced, does not come at the expense of alternative durable solutions, specifically resettlement, to which internally displaced persons are also entitled.

(xiii) **Support those supporting the displaced.** This support must take a number of forms. Host families who have generously taken in internally displaced persons but may also be suffering poor socio-economic conditions require support in shouldering this extra burden. Human rights and humanitarian personnel, local as well as international, must be able to operate with unrestricted access to populations in need and have their safety assured. Moreover, the important work of local NGOs with the internally displaced must be supported and strengthened, in particular outside of the capital and in Abkhazia and South Ossetia, especially as civil society is one of Georgia's greatest assets and NGOs can make an important contribution to depoliticizing the plight of the displaced. Special attention should be given to supporting the active involvement of local needs and civil society in the implementation of the New Approach.

(xiv) **Intensify efforts to resolve the conflicts.** While undertaking measures to improve the current conditions of the displaced, durable solutions to their plight of course require that the root causes of their displacement, which are inherently political in nature, be effectively addressed. Though conflict negotiation processes have been in place for both conflicts for several years now, there is a need for intensification by all parties of efforts towards a peaceful resolution of the conflicts causing displacement. The Government of the Russian Federation has a particularly important role to play in facilitating the resolution of both conflicts, especially that in Abkhazia.

(xv) **Advance planning for post-conflict reconstruction.** Following a peace agreement, a comprehensive post-conflict reconstruction and rehabilitation programme that addresses the particular needs of returnees as well as of the local population will be required as an essential component of a durable peace. Advance planning for this by the Government and other authorities, in cooperation with the international community, is important for ensuring a smooth transition to peace, and to support the return and reintegration of displaced persons.

(xvi) **Support efforts promoting peaceful coexistence.** Even in the event of political agreements ending the conflicts, the legacy of bitterness left by the ethnic conflicts must also be addressed and overcome in order to ensure the safe and durable return and reintegration of displaced persons into their pre-war communities. A number of initiatives to this end have begun, but local NGOs, on both sides of the Abkhaz conflict in particular, noted the need for more concerted efforts to enable dialogue and establish other links between the civilian population caught up in the conflicts. The Government, de facto authorities and the international community should also invest in these grassroots peace-building initiatives.

Annex

Profiles in displacement: Georgia

CONTENTS

	Paragraphs	Page
Introduction	1 - 10	8
I. OVERVIEW OF THE DISPLACEMENT SITUATION	11 - 21	10
II. CURRENT SITUATION OF THE INTERNALLY DISPLACED	22 - 74	12
III. PROSPECTS FOR DURABLE SOLUTIONS	75 - 107	23
IV. A NEW APPROACH	108 - 128	31
V. CONCLUSION	129	36
VI. RECOMMENDATIONS	130	36

Appendix. Map of Georgia and region

Introduction

1. At the invitation of the Government of Georgia, the Representative of the Secretary-General on internally displaced persons, Francis M. Deng, undertook an official mission to Georgia, from 13 to 17 May 2000. The Representative was accompanied by the human rights officer servicing his mandate in the Office of the United Nations High Commissioner for Human Rights (OHCHR), Ms. Erin Mooney. The delegation also included an associate humanitarian affairs officer of the Office for the Coordination of Humanitarian Affairs (OCHA), Ms. Allegra Baiocchi, who provided assistance during the mission.

2. The objectives of the mission were fourfold. First, and generally, to study first-hand the situation of internal displacement in the country and the current conditions of the internally displaced. Second, to understand the constraints impeding durable solutions to the plight of the displaced seven to nine years after displacement occurred. Third, to explore through dialogue with the Government and other authorities, international agencies, non-governmental organizations, other relevant actors and internally displaced persons themselves the possibilities for overcoming these constraints. Finally, on the basis of the findings in these three areas, to recommend measures towards ensuring more effective responses.

3. In Tbilisi, the Representative was received by His Excellency President Eduard Shevardnadze, the Minister for Foreign Affairs, the Minister for Refugees and Accommodation, the Deputy Speaker of the Parliament and the Chairman of the Abkhaz Government in Exile. He also met with representatives of United Nations and other international humanitarian, human rights and development agencies, local non-governmental organizations (NGOs) and members of civil society, and representatives of the donor and diplomatic community, including the group of countries (France, Germany, the Russian Federation, the United Kingdom, the United States) comprising the "Friends of the Secretary-General on Georgia".

4. The programme included field visits to Tskhinvali, Tskhaltubo, Kutaisi, Zugdidi, Tsaishi, Ingiri and Sukhumi, in the course of which meetings were held with local authorities, international agencies, NGOs, representatives of civil society and internally displaced persons, including women's groups. In Tskhinvali and Sukhumi, the Representative met with the de facto authorities of these regions and, in Sukhumi, also with the United Nations Observer Mission in Georgia.

5. In his dialogue in these various meetings, the Representative made use of the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2). The Guiding Principles, it should be recalled, set out the rights of internally displaced persons in all phases of displacement - providing for protection from arbitrary displacement, protection and assistance during displacement and for safe and dignified return or resettlement and reintegration. Presented to the Commission on Human Rights in 1998, the Principles have since gained significant international standing and authority and are being widely disseminated and used in regions throughout the world. The Commission on Human Rights and the General Assembly have welcomed the fact

that the Representative makes use of the Principles in his dialogue with Governments and intergovernmental and non-governmental organizations, and have requested him to continue efforts in this regard.

6. In Georgia, the Guiding Principles have been received most positively and are actively being promoted as a useful tool for protecting the rights of the internally displaced. The Representative was pleased to find that the Principles were well known among government officials, local NGOs and representatives of the international community and broadly accepted as a useful basis for dialogue about the situation of the internally displaced in Georgia. The Minister for Foreign Affairs suggested that the Guiding Principles "should acquire, step by step, an obligatory character".

7. The Guiding Principles have been translated into the Georgian language by the Georgian Young Lawyers' Association (GYLA), with the support of the Office of the United Nations High Commissioner for Refugees (UNHCR), and published by OCHA in the form of a booklet that is being disseminated throughout the country. During the Representative's mission, the United Nations Human Rights Office in Abkhazia, Georgia, agreed to facilitate the translation of the Principles into the Abkhaz language as well, in the context of its programme for translating and disseminating international human rights standards and principles.

8. The mission of the Representative followed his participation in a workshop on internal displacement in the South Caucasus, held in Tbilisi from 10 to 12 May. The workshop was co-sponsored by the Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the Brookings Institution Project on Internal Displacement (of which the Representative is Co-Director) and the Norwegian Refugee Council. Representatives of the Governments of Georgia, Armenia and Azerbaijan, and representatives of international organizations and international and local NGOs involved with the problem of internal displacement in Georgia were among the participants. Workshop participants welcomed the Guiding Principles as a useful restatement of hard international law, as well as an instrument providing clear guidance in cases where existing international law contains grey areas. The summary report of the workshop is reproduced in document E/CN.4/2001/5/Add.2.

9. The Representative expresses his appreciation to the Government of Georgia for having invited him to undertake a visit and to the various government officials and other authorities, as well as representatives of international agencies, NGOs and members of the diplomatic community, who met with the mission delegation and shared their insight into the situation. He is particularly grateful to the office of the United Nations Resident/Humanitarian Coordinator and to the OCHA office in Georgia for their assistance in organizing and participating actively in the programme of the mission.

10. This report is divided into six sections. By way of background, the first section provides a brief overview of the situation of internal displacement in the country. Section II sketches the current situation of the displaced. Section III explores the possibilities at present for durable solutions to the plight of the internally displaced, identifying the obstacles needing to be overcome. Section IV examines the recent significant shift in the national and international approach towards improving the current conditions of internally displaced persons in a way that

should better prepare them for durable solutions to their plight. Following a brief conclusion in section V, section VI enumerates a series of recommendations for enhancing national, local and international responses to the problem of internal displacement in Georgia.

I. OVERVIEW OF THE DISPLACEMENT SITUATION

11. According to government as well as NGO figures, there are in Georgia today some 280,000 internally displaced persons who have been uprooted as a result of armed conflict,[1] out of a population of just over 5 million. This displacement is actually the result of two separate armed conflicts in different regions of the country: in Abkhazia and in South Ossetia (also referred to as Tskhinvali region). The overwhelming majority of these internally displaced persons, some 266,000, are ethnic Georgians from Abkhazia, while the remainder were displaced by the conflict in South Ossetia.

12. In addition, the Government reports that some 20,000 persons were internally displaced as a result of natural disasters, in particular floods, earthquake and landslides, which occurred in the Svanetia and Ajara regions between 1987 and 1989.[2] Though little mention was made during the mission of this group of internally displaced persons, their plight was highlighted by the President and by the Minister for Refugees and Accommodation, who both called for international assistance in providing shelter assistance required to facilitate durable solutions.

13. The focus of the mission, not only for the Representative but also his various interlocutors, was on the conflict-induced displaced. For each of the two separate displacement crises due to conflict, a brief historical account as well as an overview of the current situation follows.

A. Conflict in Abkhazia

14. As noted above, the majority (some 266,000 persons) of the internally displaced in Georgia are ethnic Georgians from the region of Abkhazia (see annexed map). In 1931, Abkhazia was accorded the status of an autonomous republic within the Socialist Republic of Georgia and thereafter large numbers of non-Abkhaz, especially ethnic Georgians, migrated into the region. The dissolution of the Soviet Union in 1991 and the subsequent independence of Georgia was accompanied by growing political tensions and the rise of nationalist feeling among ethnic Georgians and Abkhazians. In August 1992, when conflict broke out, at issue were the attempts by the Abkhazian parliament to win increased political and cultural autonomy from Georgia; indeed, the Akbhaz leadership has since declared Abkhazia an independent state. The parties to the conflict comprise, on the one hand, troops from the central Government, paramilitaries and volunteers and, on the other, Abkhazian irregular forces, volunteers and mercenaries, with assistance from the Russian military.[3]

15. Demographic concerns have been central to the conflict and the main determinant of the pattern of displacement, which occurred along ethnic lines and induced the displacement of virtually the entire ethnic Georgian population from Abkhazia. Prior to the conflict, ethnic Georgians constituted approximately 46 per cent of the population of Abkhazia, compared with 17 per cent ethnic Abkhaz. About one third of the internally displaced originate from the Gali district in the southern part of Abkhazia (separated from Georgia proper by the Inguri river),

where ethnic Georgians constituted more than 85 per cent of the pre-war population. The first few years of the conflict, between 1992 and 1994, resulted in the displacement from Abkhazia of some 300,000 persons. Overwhelmingly, these were ethnic Georgians, though several thousand persons belonging to other ethnic groups, in particular Jews, Ukrainians, Greeks, Abkhaz, Armenians and Russians, also were displaced. Serious violations of international human rights law and international humanitarian law, including extrajudicial executions, torture, rape, looting, burning of homes and apartments, expulsions and forced evictions, carried out predominantly along ethnic lines, characterized this displacement and each party to the conflict has accused the other of carrying out "ethnic cleansing" in the areas under its control.[4] The Organization for Security and Co-operation in Europe (OSCE) repeatedly has condemned the displacement as 'ethnic cleansing' resulting in mass destruction and forcible expulsion of the predominantly Georgian population in Abkhazia, Georgia".[5] The dramatic demographic shift in favour of the Abkhaz occasioned by the displacement of the ethnic Georgian population has been a major determinant in the Abkhaz authorities' resistance to the return of displaced Georgians in any significant number.

16. Though a ceasefire, which largely runs along the Inguri river, has been in effect since May 1994, the conflict remains without a political solution. Nonetheless, in the years following the cease-fire some 50,000 to 70,000 displaced ethnic Georgians returned to Abkhazia, predominantly to the Gali district. Though a 1994 agreement between the parties to the conflict provided for organized return under the auspices of UNHCR,[6] a number of its provisions proved problematic, in particular the screening process imposed by the Abkhaz authorities.[7] As a result, most returns occurred outside of the organized process. In either case, the displaced returned to difficult and insecure conditions, finding their homes and property destroyed or seriously damaged and themselves subject to not infrequent harassment, intimidation and threats to their physical security from Abkhaz militia. In a particularly grave incident, in mid-March 1995, some 200 Georgian returnees in the Gali district were arrested by Abkhaz militia and a further 20, mostly men of military age, were murdered.[8]

17. In May 1998, the prevailing instability in Gali erupted into open conflict between Abkhaz forces and Georgian armed groups. Abkhaz militia swept through southern Gali on a path of destruction: systematically torching villages, destroying an estimated 1,400 homes, looting, killing livestock, destroying infrastructure and displacing anew almost all of the Georgian returnees, as well as several thousand people, mostly elderly, who had remained behind during the first phase of the conflict.[9] Some 40,000 people were displaced in a mere matter of days. Indeed, displacement appears to have been the very aim; the Security Council condemned inter alia "the deliberate destruction of houses by Abkhaz forces, with the apparent motive of expelling people from their home areas".[10]

18. Since that time no large-scale return has occurred. A number of displaced persons staying in close proximity to Abkhazia do travel back and forth from Georgia proper to southern Gali, especially during the cultivating and harvest seasons. However, large-scale durable return has not taken place owing to the situation of ongoing insecurity and the continued absence of a settlement to the conflict.

19. A particular aspect of the displacement crisis that requires mention is that the political representatives of ethnic Georgians in the Abkhaz Parliament, who were displaced from

Abkhazia along with the ethnic Georgian population as a whole, reconstituted themselves upon displacement to Georgia proper as the Abkhaz Government in Exile. The mandate of this group of politicians, who were last elected in 1991, continues to be recognized by the Government of Georgia, from which they receive funds that have been used to establish parallel structures and services, ranging from health to education to cultural programmes, for the displaced, as well as to maintain considerable defence capabilities.

B. Georgian-Osset conflict

20. The displacement crisis in Abkhazia was preceded by another situation of displacement, connected to the armed conflict in South Ossetia, a formerly autonomous region in the north-central part of Georgia. The conflict, which subsequently spread throughout Georgia proper, was characterized by ethnically-targeted violations of human rights and international humanitarian law[11] and, at its height in 1991 and 1992, displaced an estimated 60,000 individuals. Of these displaced persons, about 10,000 were ethnic Georgians, who mostly fled from South Ossetia to government-controlled parts of Georgia. The remaining 50,000 displaced persons were ethnic Ossets from South Ossetia as well as from Georgia proper. Of these, an estimated 5,000 fled within South Ossetia and were joined there by a further 5,000 ethnic Ossets from Georgia proper, to give a total of 10,000 internally displaced Ossets and 20,000 internally displaced persons overall. The remainder, that is some 40,000 Ossets, fled from South Ossetia (about 10,000) and from Georgia proper (about 30,000) to the Republic of North Ossetia in the Russian Federation, becoming refugees. This influx into North Ossetia was, in turn, a contributing factor to an internal displacement crisis in the Russian Federation, specifically of ethnic Ingush displaced from the Prigorodnyi region of North Ossetia to the neighbouring Republic of Ingushetia.[12]

21. It should be noted that figures for displacement associated with the Georgian-Osset conflict are estimates on account of the fact that there has never been an effective registration of the displaced. Today, estimates of the remaining internally displaced and refugee population remain vague, with conflicting figures offered by both sides. UNHCR estimates that there remain roughly 6,000 out of the 10,000 ethnic Georgian internally displaced persons in Georgia proper; 1,000 out of the 10,000 ethnic Osset internally displaced persons in South Ossetia; and 23,500 Osset refugees in North Ossetia and the North Caucasus.

II. CURRENT SITUATION OF THE INTERNALLY DISPLACED

22. Of the current internally displaced population in Georgia, an estimated 55 per cent are women, 36 per cent are children and 11.5 per cent are more than 63 years of age.

23. Regarding their location, approximately 42 per cent of the internally displaced live in the Samegrelo region contiguous with Abkhazia, across the Inguri river. Other large concentrations are in the capital city Tbilisi, where about a third of the internally displaced - some 88,000 persons - live, and Imereti, where approximately 13 per cent reside. The remainder of the displaced are in various other locations, including in South Ossetia.[13]

24. Though the missions undertaken by the Representative do not allow and are not designed for a comprehensive country-wide survey of the conditions of the internally displaced, from the

information collected, consultations held, and field visits undertaken it is possible to sketch a general picture of conditions of the internally displaced which points to concerns in a number of areas.

A. Shelter

25. As is often the case, in the initial period of displacement, large numbers of displaced people found emergency shelter in public buildings such as schools. Seven to nine years on, however, approximately 40 per cent of the displaced, numbering some 112,000 persons, remain in collective centres (defined as residences accommodating 10 or more internally displaced persons). Following efforts undertaken several years ago to move the displaced out of schools, with a view both to providing more suitable accommodation and to ending the disruption this created for the educational system, the collective centres in which the internally displaced currently reside consist mostly of former hotels, sanatoriums and hospitals. The Representative was informed of one case of 100 families living in a former factory. The mission visited collective centres in Tshkinvali (South Ossetia) and in Tskhaltubo and Ingiri, where internally displaced persons have been living for some seven to nine years.

26. Sixty per cent of internally displaced persons live in private accommodation. Though some internally displaced persons have the financial means to establish themselves independently, most of those in private accommodation are staying with host families, who frequently are relatives or former acquaintances. The continued hospitality of host families is noteworthy, especially given the difficult economic conditions facing the population of Georgia as a whole. This generosity, however, is beginning to show signs of strain: reportedly, the eviction of internally displaced persons from host families is occurring. This suggests the need to ensure that host families receive support in shouldering the added burden of having taken internally displaced persons into their homes, several years ago now.

27. Although the mission did not visit internally displaced persons residing in private accommodation, where of course the conditions would vary depending on the situation of the host family, the prevailing view is that they are in a better situation than those in collective centres, where conditions are considered to be much worse. A survey comparing the shelter conditions of internally displaced persons in private accommodation versus those in collective centres was being undertaken in 2000.

28. A number of problems were common to the various collective centres visited by the mission. These problems largely stem from the fact that the buildings serving as collective centres were never designed for communal living. Even in hotels or sanatoriums, the rooms where entire families now live were intended for the temporary stay of one or two people. Conditions are cramped and overcrowded: on average, the general population has almost five times more living space than internally displaced persons living in collective centres.[14] In hospitals, internally displaced families are crowded into empty rooms, surrounded by sick people in adjacent rooms.

29. In terms of structural conditions, a 1999 survey of 757 collective centres throughout Georgia, except Abkhazia and South Ossetia, classified approximately half of the buildings as being in very poor or poor condition and a third as being in need of minor repair.[15] Roofing,

sewerage and glazing were determined as being in urgent need of repair in order to winterize the shelters and contain disease. Electrical systems also were highlighted as a priority for repair. Water systems, not designed with a capacity for the number of people now using them, have been strained and also require repair. Former hotels housing the displaced have largely been gutted of their facilities and furniture.

30. Conditions in rural areas were reported to be even worse than in the towns and cities. The Representative was told of one case of 100 families living in a former gravel factory in very dusty conditions and with no windows. Furthermore, it was noted that this example was illustrative of conditions in outlying regions, to which, apparently, little attention and assistance had been devoted.

31. As to how to address these conditions, internally displaced persons often pointed out to the Representative that they would be prepared to undertake the repair work themselves, if only they could be provided with the material and tools required. Some assistance had begun to be provided to improve basic services. For instance, the International Rescue Committee (IRC) had a programme to improve sanitary facilities, but significant work still needs to be done for the collective centres to approach adequate shelter conditions.

32. Given these inadequate conditions, the question inevitably arises of relocating the displaced to alternative, more appropriate, accommodation. The reaction of internally displaced persons from Abkhazia to this proposition was most revealing. Consistently, they replied without hesitation that they would prefer to remain where they were, until such time as they could return home. It thus became apparent that the displaced were fearful that moving to alternative, more comfortable accommodation would somehow undermine their ultimate aim of return. This apprehension is deep-seated, apparently having emerged as a problem early into the displacement crisis, when efforts were being undertaken to move internally displaced persons out of local schools with a view both to improving their shelter conditions and enabling educational services to resume. For the displaced, who held fast to the hope of returning within a matter of days or weeks, the move to alternative accommodation gave a certain permanence to their situation that proved very difficult to accept.

33. To be sure, as indicated by the comments of the displaced in collective centres, there is clear interest in effecting improvements to their current living conditions. Yet, an immense psychological barrier clearly stands in the way of doing so by means of relocation to alternative accommodation. It was suggested by some observers that this apprehension could in part be attributed to outside influence, coming from representatives of political groups, themselves displaced, who are bent on the return of the displaced and on the regaining of territory over which control was lost during the conflict. Indeed, this could help explain the consistency of the response among various groups of displaced persons, and the categorical manner in which it was so quickly offered. The pressure that these political forces exert extends also to the central Government, having an influence on its policies for responding to the plight of the displaced.

B. Self-sufficiency, employment and income-generation

34. Given the protracted nature of the displacement situations in Georgia and the absence of concrete solutions to the conflicts causing them, so-called "donor fatigue" has set in, with the

result that international funding for basic humanitarian assistance programmes providing such essentials as food is being phased out. Meanwhile, though all internally displaced persons are supposed to receive a monthly stipend of 12 Georgian lari (approximately 5 United States dollars), even government officials acknowledged that it is not regularly paid. Indeed, at the time of the mission, in May 2000, internally displaced persons had not received a stipend since December 1999. In the month following the mission, displaced persons staged a series of demonstrations demanding payment of this allowance, some of which were dispersed by force.[16] Even when the stipend is paid, there is a need to supplement it with other sources of income simply in order to survive and approach the absolute poverty line of 52 lari per adult per month that has been set by the World Bank and below which 11 per cent of the population of Georgia fall. The "minimum survival" food basket alone costs 40 lari a month per adult.[17] Under these circumstances, the onus increasingly is on internally displaced persons to provide for themselves. And yet, there are significant constraints on the ability to do so, often as a result of government policies.

35. To be sure, the difficult economic conditions in the country, in large part associated with the sudden transition towards a market economy and the disruption of this process by conflict, mean that employment and income-generating opportunities remain rather limited. This is true for the general population as well as the internally displaced. Indeed, a Save the Children Fund (SCF) survey found that the internally displaced and the general population reported an approximately equal amount of median monetized income during the survey period (January 2000). However, the general population reported considerably higher levels of non-monetized sources of income than the internally displaced.

36. Access to land is the primary determinant of this discrepancy. The World Bank, in a report on poverty and income distribution in Georgia, singled out land ownership as the most important factor affecting poverty in rural areas, noting that "landless households have a higher poverty risk and depth of poverty than households who own more than one hectare".[18] Under Georgian law, however, an internally displaced person is not entitled to own land without registering as a permanent resident in the place of refuge and potentially (the law is not clear on this) losing the status of internally displaced person and the benefits that this entails.[19] Internally displaced persons reportedly fear that they would then lose their right to return. This fear is of course unfounded, for as citizens they would retain their right to freedom of movement and choice of residence. It was suggested that this mistaken assumption may have been cultivated by elements of the political leadership that are bent on return and concerned that ties to the land will literally ground the displaced in their present location and diminish their interest in return. For these reasons, those internally displaced persons who have the means to purchase land or residential property reportedly tend to do so secretly, outside of the normal legal processes.

37. As many displaced nonetheless still lack the financial means to purchase land, they should at least be given the opportunity to lease or otherwise have access to plots of land. According to the Law on Internally Displaced Persons, local authorities are obliged to provide internally displaced persons with plots of land for temporary use. Some regional authorities affirmed that they had indeed provided displaced persons with the possibility of using plots of land on a temporary basis. However, internally displaced persons have pointed to problems of

corruption, noting that if they did not pay "extra expenses" when requesting plots of land, they either did not receive it or received land of such poor quality and so far from their accommodation that it would not be worthwhile to use it.[20]

38. Working on the land is where the skills of many of the internally displaced lie, as large numbers of them were engaged in agricultural activity prior to their displacement. Resuming such activity would enable internally displaced persons to grow food to feed their families and, with any surplus, to generate income to meet other needs and generally improve the economic situation of the household.

39. As with the issue of access to land, the World Bank has found that ownership of livestock reduces the risk of poverty in a rural household.[21] By livestock is meant a range of different types of animals, such as pigs, cows and chickens. A recent survey by the International Federation of Red Cross and Red Crescent Societies (IFRC) found that whereas 47 per cent of local households owned livestock, for internally displaced persons this figure was only 9 per cent. When calculated in terms of an odds ratio, local households were almost nine times more likely than internally displaced persons to own livestock.[22]

40. Given their limited access to land and low rate of livestock ownership, internally displaced persons must concentrate their use of these assets on simply meeting their subsistence needs. All those internally displaced persons surveyed who own livestock or have some access to land reported using it entirely for their own household consumption.[23] Support clearly is needed not only for ensuring food security but also creating income-generating opportunities from agricultural production.

41. The agricultural cooperative programme run by Action Against Hunger (AAH) provides a good example of how to do so. In the village of Tsaishi, outside of Zugdidi, the mission had the opportunity to visit two of eight cooperatives sponsored by AAH in the Samegrelo region. The cooperatives have a membership of 800 persons (100 in each), of whom 60 per cent are internally displaced persons and 40 per cent are members of the local population, all selected on the basis of vulnerability. In order to provide support to women heads of household in particular, women are to comprise a minimum of 25 per cent of the beneficiaries. The objectives of the programme are to provide food security by ensuring the availability of staple food for the beneficiaries and, once this goal is met, to support income-generating agricultural activities through the sale of surplus production from farming and animal husbandry. Financial and material support provided by AAH is progressively to be reduced, while the contribution of the beneficiaries is to increase, with a view to reaching full sustainability by the end of the third year. State land is leased from the local authorities by AAH which, though paying for the lease in the first year, expects participants to do so beginning in the second year, using profits made from production in the first. Another aim of the programme, thus, is to facilitate the beneficiaries' legal access to land, through AAH transferring to them responsibility for the lease, which is for a period of five years.

42. Notwithstanding this time frame, AAH noted that most of the internally displaced persons participating in the programme still plan to return home. Indeed this intention was expressly stated by the internally displaced with whom the delegation met at the cooperative sites. It thus appears that when it comes to issues of self-sufficiency and income-generation,

there is not the psychological barrier that arises when relocation out of collective centres (where most of the cooperative participants live) is discussed. People appear to have a longer-term vision or perhaps have come to grips with the reality of not being able to return safely in the immediate future and the need to lead productive lives in the interim.

43. The AAH cooperative programme clearly is working to the benefit of the internally displaced and could advantageously be expanded and replicated. It was thus a matter of concern that, at the time of the mission, funding for the AAH programme from the European Commission Humanitarian Office (ECHO) was expected to be dramatically decreased. This programme and others like it merit strong support. They are critical to bridging the "relief to development gap" and enabling the displaced and others who have been dependent on humanitarian assistance for several years to resume productive lives.

44. In addition to limited access to land and ownership of livestock, the IFRC survey also found that local households were five times more likely than internally displaced persons to own a car, van or truck. As the IFRC point out, this is an important difference as a car, van or truck can be put to productive use and thus become a source of income.[24]

45. As to employment opportunities for the displaced, these are constrained by the general economic situation of the country as a whole: national unemployment stands at a rate of 26 per cent. Even so, it was pointed out that internally displaced persons could benefit from skills training as well as training to familiarize them with new employment practices that have been introduced with the shift to a market economy – a transition which has largely occurred during their period of displacement and unemployment. The food-for-work programmes operated by the World Food Programme provide a means both for meeting food needs and re-engaging displaced persons in productive employment. Another important initiative is the vocational training programme run by the International Rescue Committee (IRC) in Zugdidi, which the Representative visited. The programme provides training in languages, computer skills and trades such as carpentry. Furthermore, once participants have completed the training, they are assisted in making contacts with prospective employers.

46. In some cases, employers may be internally displaced persons themselves. For instance, the mission visited a tea enterprise owned by an internally displaced person who had relocated his business from Sukhumi, Abkhazia, to Tskhaltubo in Imereti region. Special efforts were made by the owner to hire internally displaced persons, who accounted for 80 per cent of the workforce in the factory and 50 per cent of field labourers. Moreover, they were provided with bus transportation from the communal centres, which were some distance away, to and from the enterprise.

47. New business development also is needed. Important support for this purpose is provided by the business incubator programme run by the IRC in Zugdidi, alongside the IRC vocational training programme noted above. The programme provides physical space for fostering small business, with a resource centre and access to business services, expertise and advice, as well as a credit programme. Though neither the business incubator nor the training programme is specifically targeted to internally displaced persons, they are actively encouraged to participate and information about the programme is disseminated in the collective centres. In addition, among the criteria for businesses to be accepted into the programme is a commitment

to hire a certain percentage of internally displaced persons. Another component of the programme is a micro-credit scheme, of which internally displaced persons constitute an estimated 65 per cent of the beneficiaries.

48. Ensuring that small business development support and micro-credit opportunities reach internally displaced women, as well as men, is essential. In the absence of such alternatives, the problem of young women turning to prostitution to earn sufficient income to move out of the collective centres was noted. Both in Tbilisi and in the regions, the delegation met with members of women's organizations active in promoting business opportunities for internally displaced women. For example, small business development is one focus of activities of the NGO "Sokhumi", formed in 1997 by and for professional internally displaced women, which now has a membership of over 100. Such women's organizations and their goals - skills training, business development and credit support for women - merit strong support.

C. Health and medical care

49. In the area of health also, internally displaced persons, in common with the local population, face a number of problems in terms of ailments and of access to health services. Iodine deficiency disorders, for instance, are a common problem throughout Georgia and, indeed, much of the Commonwealth of Independent States (CIS). A 1996 survey of 30,000 schoolchildren, commissioned by UNICEF found iodine deficiency in 64 per cent of the surveyed population.[25] Severe iodine deficiency in utero causes severe mental retardation or cretinism. Consumption of iodized salt is considered the most effective way of ensuring an adequate intake of iodine. Yet an IFRC survey found that most households, internally displaced and local alike, used salt that either was not iodized or contained an inadequate quantity of iodine.[26]

50. However, in addition to sharing many health problems common to the general population, internally displaced persons are also more susceptible to certain types of problems resulting from their displacement and the circumstances leading to it. Most notably, the Save the Children Fund Survey found that physical disability was more prevalent in internally displaced persons' households than in the local population.[27] Injuries suffered during conflict and flight provide a partial explanation for this discrepancy. But the survey also suggests that little or no access to health-care services during the conflict and soon afterward, low household income to pay for health care, medicines and treatment, and poor living conditions also are factors which have resulted in a higher rate of physical limitation among internally displaced children.

51. Regarding nutritional status, a 1998 IFRC survey of internally displaced children in western Georgia found that, although the prevalence of acute malnutrition was low, there was a high rate of chronic malnutrition, manifested by stunted growth.[28] A diet of poor quality, that is one particularly low in biological protein and micronutrients even though it may have an adequate energy content, accounts for these results.

52. With respect to access to health services, surveys by the Government and international NGOs have shown that a low percentage of internally displaced persons and of locals report receiving medical treatment for illness or disability, even when their condition is serious, the main reason being cost.[29] Although health care is supposed to be provided free of charge to all

citizens, in practice payment is required. In part, payment is required because the doctors and nurses frequently do not receive their full salary from the State. The issue of free access to health care thus is closely linked to the budgetary problems faced by the central Government.

53. In some regions, health clinics specifically for the internally displaced have been established as part of a larger programme of parallel public services offered by the Government in Exile, using funds channelled to it from the central Government. The extent to which such parallel structures impede internally displaced persons from having access to the regular system of public services appeared, from the answers of the displaced, to vary. For the most part, such impediments appeared to derive not so much from institutionalized discrimination - the law recognizes the equality of all citizens to have access to the health services for instance - as from the practical problems of physical proximity to the public services and the ability to pay for them. In some cases, it was suggested that the health clinics set up specifically for the displaced provided them with better services, in particular as they were free of charge, than were available to the local population.

54. In the critical area of reproductive health, the United Nations Population Fund (UNFPA) is working with the Ministry of Health, local NGOs and international agencies to ensure that internally displaced persons, together with the general population, have access to reproductive health information and services. Of the 55 regional reproductive health/family planning centres and units established in Georgia since 1996, 21 are in areas of high concentrations of internally displaced persons, from both Abkhazia and South Ossetia. Contraceptives and reproductive health counselling is provided free of charge through these centres. In late 1999 and early 2000, a reproductive health survey was conducted among 7,500 women in Georgia, including more than 1,800 internally displaced women in collective centres, to assess levels of fertility, abortion, contraception usage, sexually transmitted disease and domestic violence, and study the factors that affect them. In measuring these indices, separate tabulations were to be prepared for internally displaced women, comparing results with the local population in different regions of Georgia. The report of the survey, which was scheduled to be finalized by the end of 2000, should provide the basis for future programming.

D. Education

55. In Georgia, the first nine grades of education are compulsory and free. For higher grades, fees of between 10 and 15 lari a month are required of about 70 per cent of students, while the remainder, selected on the basis of merit, are exempt from fees. As with public services, the extent to which internally displaced children and adolescents attend public schools versus those established by the Government in Exile appeared to vary, with most internally displaced persons queried replying that their children were not prevented from attending public schools. Where the opposite is true, UNICEF informed the delegation that it was working with the authorities to promote an inclusive education system enabling the integration of internally displaced children into the normal education system.

56. However, lack of school supplies, proper clothing and shoes were cited as factors leading to internally displaced children and adolescents failing to attend school. According to a resident of one collective centre visited, these factors accounted for reportedly only half of

the 400 internally displaced children living there attending school regularly. As education is so essential to a child's, and indeed a country's, development, support must be provided to ensure that children receive the basic supplies required to attend school.

57. Absenteeism was also attributed to the fact that increasing numbers of internally displaced children have to resort to begging and even criminality in order to assist their families to survive. Supporting income-generating activities for their parents is thus also essential for ensuring education and enhanced future economic prospects for children.

58. For internally displaced persons from Abkhazia, education is a particularly important issue needing to be addressed as one of the pre-requisites for return (see paras. 80-81 below).

E. Political participation

59. The right to political participation is one area where internally displaced persons, regardless of place of residence and economic means, most definitely are disadvantaged compared with the rest of the population. This discrimination, moreover, is sanctioned by law.

60. The Parliament of Georgia is elected by a mixed election system whereby 150 seats are allocated proportionally through nationwide party lists and the remaining 85 seats through single seat constituencies on the basis of free, universal and direct suffrage. The Election Law of 1995 provides, in article 33 (1), concerning the compilation of voters lists, that "[f]orcefully displaced persons shall be included in the voter's lists according to their present places of residence. A separate list shall be compiled for displaced persons and they shall not participate in the majority elections held in single-mandate districts". In practice, this provision has been interpreted to mean that internally displaced persons are permitted to vote only for the nationwide list, but not for the representative to Parliament of the district in which they are currently residing. In this latter connection, provision is instead made to extend the mandate of the eight deputies from Abkhazia (who came to office in 1991) until such time that elections can be held there, that is, only after large-scale and durable return of the displaced. The two parliamentary seats for South Ossetia remain vacant.[30]

61. Internally displaced persons are similarly denied the right to vote in the municipal elections in the district where they are currently residing - an issue that the OHCHR has raised with the Government of Georgia, beginning in 1998.

62. The Guiding Principles on Internal Displacement clearly affirm the right of internally displaced persons to political participation. Guiding Principle 22.1 (d) provides that "[i]nternally displaced persons ... shall not be discriminated against as a result of their displacement in the enjoyment of ... the right to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right". In addition, this principle should be read in conjunction with Principle 1.1, which affirms that "internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the grounds that they are internally displaced".

63. As the Guiding Principles are a restatement of existing international law, the main international legal provisions that Principle 22.1 (d) reflects are of course relevant. The International Covenant on Civil and Political Rights provides, in article 25, that every citizen shall have the right and the opportunity to participate in the conduct of public affairs and to vote and be elected at genuine periodic elections. Furthermore, it requires that this right be guaranteed without unreasonable restrictions and without any of the distinctions enumerated in article 2 of the Covenant, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. In reference to this provision, the situation of being internally displaced is deemed to not be a justifiable distinction on the basis of which to restrict or deny the exercise of human rights.[31] Pursuant to article 5 (c) of the International Convention on the Elimination of All Forms of Racial Discrimination, States parties undertake to guarantee the right of everyone to equality in the enjoyment of the right to political participation, without distinction as to race, colour, or national or ethnic origin. And at the regional level, article 3 of the First Protocol to the European Convention on Human Rights requires that States parties "undertake to hold free elections ... under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature".

64. The provisions of the Georgian Election Law prohibiting internally displaced persons from full enjoyment of their right to vote on an equal basis with other citizens thus do not appear to comply with international and regional human rights standards. Indeed, senior government officials at the national and regional levels, with whom the Representative raised this point, acknowledged that the Government position on the issue of political participation for the internally displaced may be flawed. Appropriate revisions should be made to the legislation on electoral participation in order for it to comply with international standards.

65. Denial of the right to political participation, in addition to being a violation of international standards, has added significance for internally displaced persons, since the ability to participate in public and governmental affairs provides opportunities to influence and seek to ameliorate their situation. In the words of one local NGO, the legislation restricting the participation of internally displaced persons in elections "prevents internally displaced communities from putting their social and economic problems high on the agenda of politicians".[32] Given that the responsibility for implementation of policies for the displaced is largely decentralized, preventing internally displaced persons from participating in local elections and in the election of regional representatives to the national Parliament is not without consequence: it constrains the ability of the internally displaced to influence the decisions that affect their lives.

66. In situations, as in Georgia, of protracted displacement, giving internally displaced persons a stake in their host community becomes particularly pertinent. As one representative of internally displaced persons noted, the regulations restricting the participation of the displaced in local and regional elections is "not acceptable especially as we have been here not for only a few days but several years and yet we're made to feel like second-class citizens". The governor of one region seemed to suggest as much when pointing out that although soldiers stationed in a region other than that where they are officially registered have the right to vote in local elections after two years in the region, internally displaced persons continue to be denied this right even after residing in the region for upwards of seven to nine years.

67. It was also suggested that the issue of political participation by the displaced has been manipulated by political forces bent on the return of the population and regain of territorial control over Abkhazia. Specifically, it was widely alleged that they have pressured internally displaced persons to refrain from demanding their right to vote by suggesting that in so doing the displaced will somehow lose their right to return. It thus is important not only to amend the electoral law but also to counter this misinformation by explaining to internally displaced persons that exercising their right to full political participation in the areas where they currently reside in no way negates their right to return.

68. Moreover, the representatives from Abkhazia, whose mandates continue to be extended indefinitely, also have an interest in discouraging internally displaced persons from voting in order to maintain their own positions. Their legitimacy, however, is beginning to be questioned by internally displaced persons. However, because the displaced often depend upon the parallel system of services provided by the Government in Exile, they may feel compelled to refrain from openly expressing discontent with the current arrangement and demanding their right to vote for local and regional representatives. The reality is thus much more complex than the suggestion that internally displaced persons are simply apathetic in pressing for their right to full political participation.

69. Local NGOs pointed out that they had proposed that internally displaced persons at least be able to elect new representatives, but that the Government had refused. The most appropriate corrective measure, however, would be for the legislation on electoral participation to be revised to enable internally displaced persons to participate in the election of local and regional representatives for the areas in which they currently reside. As noted above, a number of senior government officials at the national and regional level conceded that the current policy on political participation by the displaced required reform.

F. Mental health

70. In the light of the conditions of the internally displaced, as briefly highlighted above, it is not surprising that mental health concerns also arise. Indeed, they are acute and thus deserve special attention. The traumatic experience of displacement and the conditions of conflict and serious human rights violations in which it occurred, the overcrowding in the collective centres, the dramatic change in lifestyle and living standards associated with displacement (especially for persons from Abkhazia, which was one of the most prosperous regions of Georgia), the sense of dependency created by limited ability to lead productive lives, the years on end of uncertainty concerning their future and their perception of themselves as second-class citizens pose tremendous challenges to the mental health of internally displaced persons. Local NGOs, who have the most direct contact with the displaced, often mentioned psychosocial needs as among their primary concerns regarding the internally displaced. The detrimental effect that the protracted displacement has had on children was noted as being of particular concern.

71. Some patterns have emerged in the way that the various strains on mental health associated with internal displacement manifest themselves. The Save the Children Fund (SCF) survey found a significantly higher rate of depression among internally displaced persons in communal facilities compared to those living in private accommodation. Older persons tended to show the highest levels of depression, followed by young people. Local NGOs reported that

problems of mental health were noticeably exacerbated after the events of May 1998 which displaced anew many people who had returned and severely dashed the hopes of those preparing to return imminently.

72. Psychosocial problems were said to deeply affect internally displaced persons and their attitudes. As noted earlier, there is among internally displaced residents residing in communal centres a formidable psychological barrier to relocating to better shelter conditions, for fear that this move would somehow signal relinquishing aspirations of return. Mental health problems also have an impact upon the family unit: the SCF survey found the proportion of divorced persons to be twice as high among internally displaced persons as among the local population.

73. The prevalence of mental health problems among the internally displaced and the impact that these have on the pursuit of possibilities to improve their living conditions and on the preservation of the family unit calls for comprehensive programmes addressing psychosocial needs. To be sure, a number of such initiatives already exist. For example, an important focus on addressing the psychosocial needs of internally displaced children is provided through the UNICEF programme for training professionals to address the psychosocial needs of children, as well as through the community-based programming run by the United Nations Volunteers (UNV) in cooperation with local NGOs. However, it was suggested that the number of programmes in place is still insufficient to address the magnitude of needs: additional such assistance is required.

74. It was also noted that programmes have tended to be concentrated in particular regions, especially in western Georgia. For instance, it was reported that 86 per cent of internally displaced persons in Imereti suffer from psychosocial trauma but that programmes were sorely lacking, especially compared to the availability of such services in Samegrelo. Indeed, this discrepancy frequently was noted, and not simply in relation to psychosocial services but to assistance to the displaced generally. To be sure, it is in Samegrelo that the greatest number of internally displaced persons is located; however there are also large concentrations in other regions. Moreover, greater attention needs to be given to the plight of internally displaced persons in South Ossetia who, though fewer in number than the large population of persons displaced from Abkhazia, also require national and international support. In short, a comprehensive approach to the problem is required. In addition to better ensuring equity in the response to the problems of internally displaced persons throughout Georgia, a more comprehensive countrywide approach could also help to diffuse the strong political and region-focused influences on the current response to the plight of internally displaced persons from particular regions.

III. PROSPECTS FOR DURABLE SOLUTIONS

A. Return

75. The hope of returning to their home areas is one to which the internally displaced hold strongly. In Georgia, because return is associated with the issue of territorial control, it is a goal vigorously pursued also by the Government and other political forces. For the same reason, the de facto authorities are inclined to resist and restrict return.

76. This is particularly the case in Abkhazia where, despite statements by the local leadership that displaced ethnic Georgians are "welcome" to return as well as formal agreements for return, the reality on the ground is far different. The dramatic change in the demographic situation in Abkhazia resulting from the mass displacement of ethnic Georgians (who, it is recalled, constituted approximately 46 per cent of the pre-war population compared with 17 per cent ethnic Abkhaz, who now are in the majority) is undeniably a strong contributing factor to this attitude. In the same vein, the Abkhaz authorities have thus far limited discussion of return of ethnic Georgians strictly to the Gali district, where ethnic Georgians constituted more than 85 per cent of the pre-war population and which is contiguous to Georgia proper.

77. Even in the Gali district, however, it is difficult under the circumstances that have prevailed to date to consider durable return as a real possibility. Certainly, the events of May 1998, when the renewed outbreak of violence sent some 40,000 returnees fleeing anew, made this painfully clear. The lessons of this experience were not lost on the international community, which had invested over 2 million dollars in the Gali district to support return, only to have its efforts literally go up in flames with the burning of some 1,500 houses and 16 schools that had been reconstructed with international support. In the light of those events, the international community has been reluctant to relaunch programmes for promoting and supporting organized return in the absence of security guarantees for the population and the restoration of law and order in the areas of return.

78. Spontaneous return to the Gali district nonetheless does occur. Principally, it consists of older people returning "to be able to die in their homeland", as one person put it, or of some members of displaced families returning for short periods to check on their property and tend to their fields. The location of large numbers of internally displaced persons in western Georgia, just across the Inguri river from southern Gali, makes this type of short-term return possible. Although the fluid nature of return makes it difficult to determine the precise numbers of displaced persons who are back in Abkhazia at any given time, the United Nations Observer Mission in Georgia (UNOMIG), which is deployed in Abkhazia, specifically, and conducts patrols throughout the region, estimated that at the time of the mission, in May 2000, there were 35,000 to 45,000 non-Abkhaz in Gali. Of these, at least 10,000 were ethnic Georgians who had returned only for the cultivating season.

79. There is indeed a clear seasonal pattern to return, connected with the cultivating season and taking advantage of the fertile land in the Gali district. Hazelnuts are one of the more lucrative crops, drawing displaced persons back to Abkhazia for the harvest in the summer who then return to Georgia proper for the fall and winter months. It was noted that, in the absence of access to land or to adequate opportunities for employment and income-generation in Georgia proper, economic desperation is a driving force in the decision of the displaced to return, if only temporarily.

80. Another factor influencing the seasonal nature of return is the issue of education, in particular the language of instruction. According to the curriculum developed by the de facto Abkhaz "Ministry of Education", elementary education, from grades one to five, is provided only in Russian. This is true even in what are designated as Georgian language (as opposed to Russian or mixed Russian/Georgian) schools. Though instruction is provided in the Georgian language from grade six onwards, the prohibition on instruction in Georgian in elementary

education was pointed out as being a powerful deterrent to durable return of displaced ethnic Georgians as it threatens to impede the possibility for higher education elsewhere in Georgia. Though some language and cultural instruction is provided on the margins of the core material, Georgian history reportedly is not taught at all.

81. Principle 23 of the Guiding Principles on Internal Displacement affirms that the authorities concerned should ensure that internally displaced persons receive education which respects their cultural identity, language and religion. Furthermore, the Convention on the Rights of the Child recognizes, in article 29.1 (c), that a child's education shall be directed, inter alia, to the development of "his or her own cultural identity, language and values". General reference was made to the content of these provisions when the Representative raised the issue of language of education policy with the de facto "President" of Abkhazia. The Secretary-General subsequently reported to the Security Council that there have been "signs that the Abkhaz authorities are taking a more pragmatic and flexible view on the use of the Georgian language in Gali district schools", pointing out that "[s]uch issues, relating to the education of children, are significant for the decision-making by displaced families considering a return to their former homes".[33]

82. It should be noted that the "seasonal" nature of return relates to the general timing of return as opposed to its duration. The "seasonal returnees" often go back and forth between Georgia proper and their home areas several times a season. International observers noted that there is regular traffic of internally displaced persons, especially across the bridge near Zugdidi that connects southern Gali with Georgia proper. In the case of persons whose homes are in southernmost Gali (it was said that some displaced persons could see their homes across the Inguri river), the actual period of return may be as little as a few hours. Typically, it is several days or weeks, with displaced persons then going back to Georgia proper, in particular once they have harvested produce to sell. Movements back to Georgia proper have also been noted to correspond to times when internally displaced persons are scheduled to receive humanitarian assistance, which in Abkhazia, where the activities of international humanitarian organizations are limited, is inadequate to meet the actual needs of the population there.[34]

83. Conditions of insecurity are the overriding obstacle to durable return. The Secretary-General, in his report to the Security Council, just prior to the Representative's mission, described the precarious security environment on the ground, referring to a high level of criminal activity along and across the ceasefire line, tit-for-tat abductions, ambush attacks, kidnapping, robbery attempts involving killings, looting and harassment on ethnic grounds. He stressed that "providing a safe, secure and dignified return for all refugees and internally displaced persons who desire it is essential" and that the "insecure status of spontaneous returnees to the Gali district is a matter that must be addressed urgently".[35]

84. The Security Council, which regularly reviews the situation in Abkhazia, Georgia, has repeatedly affirmed the imprescriptible right of refugees and internally displaced persons to return in safety and dignity to their previous places of permanent residence. A number of international and regional mechanisms deployed to the region have expressed responsibilities to assist in creating the conditions conducive to return. The United Nations Observer Mission in Georgia (UNOMIG), consisting of unarmed military observers charged primarily with monitoring and verifying implementation of a 1994 ceasefire agreement, is, "by its presence in

the area, to contribute to the safe and orderly return of refugees and displaced persons". UNOMIG explained that it does so primarily through regular patrols throughout the region, meeting with community leaders and reporting violations to local law enforcement officials for response. UNOMIG also used to maintain team bases in a number of outlying villages. However, the deterioration in the security condition led to the termination of semi-permanent presence in isolated areas. As a result, its patrolling activities now are limited to pre-planned visits in daylight hours. Local and international NGOs in Abkhazia both noted that it would be useful for UNOMIG to undertake patrols in lower Gali more frequently.

85. The Commonwealth of Independent States Peacekeeping Force (CISPKF), composed of Russian troops, with which UNOMIG is to cooperate in observing the ceasefire, was also established with the expectation that "its presence should promote the safe return of refugees and displaced persons, especially to the Gali district".[36] The mandate of CISPKF refers to "facilitating the return to their former places of permanent residence, in conditions of safety and dignity, of persons who left the conflict zone and the implementation of other provisions of the Quadripartite Agreement on the voluntary return of refugees and displaced persons of 4 April 1994" and "ensuring compliance with the norms of international law and human rights". The passivity of CISPKF in the face of physical attacks against returning internally displaced persons, however, has been a cause for concern in the past.[37] Although the Representative did not have the opportunity to meet with officials of CISPKF to discuss how the Force presently carries out its protection functions, UNOMIG and other United Nations officials pointed out that CISPKF is currently playing a crucial role in combating the widespread criminality and lawlessness which is a main source of violence in the Gali district.

86. The United Nations Human Rights Office in Abkhazia, Georgia (HROAG) established pursuant to Security Council resolution 1077 (1996) as a component of UNOMIG in cooperation with OSCE is also expressly mandated to contribute to the safe and dignified return of refugees and internally displaced persons. Relevant in this regard is the monitoring by HROAG of the human rights situation in the region, bringing cases of violations to the attention of the de facto authorities. Many of the cases raised were reported to relate to property rights, in particular to the restitution of homes and property of the displaced, which may be occupied by militia, and to harassment on ethnic grounds.

87. Though a number of international and regional mechanisms thus have specific mandates to support the safe and dignified return of internally displaced persons to Abkhazia, primary responsibility for the creation of the necessary security conditions for return of course rests with the authorities. The Abkhaz authorities with whom the Representative met readily acknowledged that they had certain obligations to ensure security and, in reference to the events of May 1998, that their armed forces had committed "a number of grave mistakes" in the past. They suggested that now the problem of insecurity stems not so much from politically motivated violence but, rather, is largely one of general lawlessness and criminality. Yet both at the central and local levels, the Abkhaz authorities have failed to take measures to address this situation of insecurity and thus bear responsibility for its persistence which, it must be said, appears to be in their interest in that it impedes the safe return of ethnic Georgians. It is incumbent upon the central and local Abkhaz authorities to establish law and order and, in particular, to address the issue of impunity, by investigating and responding to security incidents and prosecuting perpetrators.

88. The work of HROAG in providing human rights training to law enforcement officials makes a contribution to this end. The Human Rights Office has undertaken to facilitate preparation of an Abkhaz language version of the Guiding Principles on Internal Displacement and to integrate it into its training programmes for law enforcement officials.

89. Both the Abkhaz authorities and international observers pointed out that, as well as the need for enhancement of the credibility of local Abkhaz authorities in protecting the rights of all persons without discrimination, there is also a need for the Government of Georgia to control the infiltration of partisans and other armed groups into the security zone (established in accordance with the ceasefire agreement and covering an area, from southern Gali across into Georgia proper, where no armed groups are to operate), where their presence risks provoking clashes in which returnee communities are caught up, as was the case in May 1998. Among the agreed conditions for Georgia's accession to the Council of Europe is for the Government to "do everything in its power to put a stop to the activities of all irregular armed groups in the conflict zone".[38]

90. The presence of landmines is another significant security threat that must be addressed before return can occur in conditions of safety. There is a particularly high concentration of landmines along the Abkhazia bank of the Inguri river, where new mines reportedly continue to be laid by Abkhaz forces to deter ethnic Georgians from returning, and in Ochamchira and Tkvartcheli, where there are an estimated 27,000 landmines. Critical work in the area of mine action is being undertaken in Abkhazia by the Hazardous Areas Life-Support Organization (HALO) Trust, which in 1999 established the Abkhazia Mine Action Centre to supervise and coordinate all action in this area. One of the first tasks of the Centre was to undertake a survey and map the minefields throughout Abkhazia and to assess the humanitarian and socio-economic impact of mine laying.[39] The Centre also runs mine awareness programmes with the support of UNICEF, which are primarily aimed at schoolchildren. Minefield marking, involving the posting of danger signs, has been occurring in parallel. Demining is actively being carried out by the HALO Trust, which by March 2000 had cleared 415,258 square metres of mine contaminated land, including clearing over 2,500 landmines from the area near the ceasefire line along the Inguri river. Given the magnitude of the problem, significant additional support for demining is required.

91. Promoting peaceful coexistence among communities torn apart by ethnic conflict is another essential ingredient to safe and dignified return. The brutality of the conflict and the concomitant displacement inevitably has engendered great bitterness and deep mistrust among affected communities. This phenomenon of course, is not unique to the ethnic conflicts in Georgia. But the challenges of overcoming this bitterness and distrust are considerable, especially given the cultural tradition of vendetta that historically has existed in the region and apparently still is strong today; the de facto Abkhaz "President" spoke of a "different mentality" in the Caucasus: "Here, we cannot forget. When you insult someone physically you have to pay with blood." More encouragingly, a number of local NGOs, in both Abkhazia and Georgia proper, suggested that this sentiment was not so strong among the communities affected by the conflict that it could not be overcome. To further this process, they stressed the need for more concerted efforts to promote dialogue and establish links between the civilian population on the two sides of the conflict.

92. Aside from the experiences suffered during the conflict, the manner in which post-conflict humanitarian programmes are, or are perceived to be, carried out risks becoming a source of further tension between returnees and the local population. It was noted already that the local population in Abkhazia harbours resentment towards potential returnees on the basis that the internally displaced ethnic Georgians appear to have received greater international humanitarian assistance than populations, also in need, in Abkhazia where much of the infrastructure was destroyed during the conflict and the once thriving economy effectively is in ruins. Following a peace agreement, a comprehensive post-conflict reconstruction and rehabilitation programme that addresses the particular needs of returnees and the local population will be required as an essential component of a durable peace.

93. Indeed, the conditions of insecurity stemming from the lawlessness and criminality, as well as the presence of landmines which pose severe threats to the physical security of returning internally displaced persons, also greatly constrain international humanitarian agencies from engaging in activities in the area. At the time of the mission, reportedly only five international humanitarian NGOs had a presence in the region. The pressures that these few organizations faced, both in terms of the magnitude of humanitarian needs to be met and of the security risks they must take in attempting to respond to them are immense. One international NGO operating in Abkhazia reported having received threats against having any association with ethnic Georgians, including simply for the leasing of property. The kidnapping of ICRC officials in Gali district this past summer underscores that the dangers that humanitarian workers face in assisting the returnee and other populations in Abkhazia are very real. The local authorities must take concrete measures to ensure the safety of humanitarian personnel. Their doing so surely should be a prerequisite for the establishment in Gali district, as is currently being explored, of a branch of the Human Rights Office to monitor human rights in this area of return.

94. In parallel to these measures, a peaceful settlement to the conflict must of course continue to be pursued and provisions sought supporting the safe and dignified return of refugees and internally displaced persons. Part of the current phase in the Geneva-based peace process led by the Special Representative of the Secretary-General for Georgia is a component seeking agreement among the parties on a protocol, to form part of an eventual peace agreement, concerning the return of refugees and internally displaced persons. The continued commitment of the parties to this process and of the international community to support it remains essential.

95. Meanwhile, for persons displaced by the Georgian-Osset conflict, who had already been displaced for nearly 10 years at the time of the Representative's mission, the pace of return has been extremely slow. UNHCR reported that between 1997 and 1999, only 730 families of internally displaced persons (with an average of five persons in each family) had returned. The overwhelming majority of this return movement involved persons internally displaced within South Ossetia (531 families). The bulk of the remainder involved returns of internally displaced persons to South Ossetia from Georgia proper (183 families). Reverse movements of return from South Ossetia to Georgia proper were negligible: reportedly only two families in 1998 and one in 1999. Within Georgia proper, another 13 internally displaced families have returned to their places of origin.

96. Although the Government of Georgia and the South Ossetian authorities have committed themselves to facilitating return, in practice a number of obstacles exist which impede progress towards this end.

97. With respect to security conditions, though active hostilities have long since ended and the ceasefire continues to hold, security incidents of a criminal nature pose risks to returnees, the local population and international personnel. Ethnically targeted incidents of harassment and violence were reported and are a particular risk in ethnically mixed villages, to which return has begun. The presence of UNHCR in the region (since 1997) was widely regarded, by returnee communities, the local population, the authorities and international personnel alike, as having made a major contribution to the security of returnees and the population at large, as well as to a general climate of reconciliation and confidence-building. A particularly important aspect of the UNHCR protective presence has been the regular patrols undertaken throughout the region by its Mobile Team Unit, which monitors protection conditions, investigates and mediates security and other incidents or problems suffered by returnees and collects information on conditions in areas of return, which is then shared with persons contemplating return. Especially now that return to ethnically mixed communities has begun, the contribution that these patrols make to supporting a stable security environment for returnees and peaceful coexistence among ethnic communities divided by the conflict is critical. In addition, there is also a need for the local authorities to take measures to restore law and order so as to address the problems of criminality and lawlessness which prevail.

98. In addition to protection of physical security, repair and restitution of property is another prerequisite for return. Support for the repair or reconstruction of war-damaged shelter is the other main component of the UNHCR programme in the region. More than a thousand shelters for returning refugees and internally displaced persons as well as other vulnerable families, have been repaired or rehabilitated since 1997.

99. The mission had the opportunity to visit a housing site in Tbet, outside of Tskhinvali, where basic housing had been built to replace homes destroyed during the conflict. The delegation met with two men who had been in collective centres in South Ossetia for over seven years. One of the men was not originally from South Ossetia but had decided to resettle there as the killing of members of his family made him feel it would be unsafe for him to return to his home area in Georgia proper. Both men noted with concern that many people from Georgia proper remained in collective centres in South Ossetia and wanted to return to their homes or needed assistance to resettle in South Ossetia.

100. A major obstacle to the return of ethnic Osset internally displaced persons in South Ossetia and refugees in North Ossetia to the areas of their pre-war residence in Georgia proper is the issue of property restitution. Local officials in Georgia proper reportedly have resisted removing illegal squatters, sometimes internally displaced persons themselves, from the homes of ethnic Ossets. Furthermore, it is reported that legal claims by returnees to their homes and property are usually denied and even when they are successful in obtaining a judicial eviction order, it is frequently not implemented by local officials.[40]

101. UNHCR and its partners provide legal and social counselling to affected families. Above all, however, legislative reform is required. The introduction of legislative and administrative

measures to permit the restitution of ownership and tenancy rights or the payment of compensation for property lost by people forced to abandon their homes during both the Abkhaz and Georgian-Osset conflicts is among the conditions to be fulfilled by the Government of Georgia upon the accession of Georgia to the Council of Europe.[41] UNHCR, together with the Council of Europe and the OSCE, has commissioned an independent expert to comment on the draft legislation prepared by the Government. Analysis of the extent to which this and other legislation relevant to the needs of internally displaced persons in Georgia accords with the Guiding Principles on Internal Displacement is currently being carried out by the Georgian Young Lawyers' Association, with the support of the Brookings Institution project on internal displacement and OSCE/ODIHR.

102. Though the number of returns to South Ossetia is, as noted above, much greater than to Georgia proper, it must be said that, for many returnees to South Ossetia, return is only semi-permanent. As an indication of the semi-permanent nature of return, it was estimated that about 50 per cent of rehabilitated houses in the region are unoccupied for a significant part of the year, usually during the winter months outside of the cultivating season and when the weather is warmer in other parts of Georgia. The poor economic situation in the region relative to that in Georgia proper and North Ossetia is the primary factor for this seasonal population movement. In general, and certainly with respect to those who remain permanently, most of the returnees coming from outside of South Ossetia are pensioners and elderly persons, whereas displaced persons of working age remain in Georgia proper or North Ossetia, where economic and employment opportunities, though still limited, are comparatively better (it was suggested that the living standard in South Ossetia is about half of what it is elsewhere in Georgia). UNHCR has observed that more sustainable return has occurred since it began providing returnees with agricultural inputs.

103. There is also a need to support the general economic development of the region. Though Tskhinvali was said to have previously been an industrial centre, there was little evidence of this as a result of the destruction of infrastructure and industry that had resulted from the war. To be sure, reconstruction has begun: the United Nations Development Programme (UNDP), for instance, noted that it had invested over 2 million dollars in development projects over the past two years, especially in infrastructure. However, UNDP-funded development projects in the region were scheduled to end and there is no expectation of further funding in the future. Sustained reconstruction and development assistance is required. The delegation's chance encounter with a delegation of parliamentarians and business leaders from a donor country, who had come to dialogue with the authorities on the issue of development investment in the region, was a hopeful sign.

104. Finally, it cannot be ignored that the ethnic lines along which the conflict and concomitant displacement occurred continue to influence the possibilities for return, not only in terms of pace, but also the place where it occurs. The record, as noted above, of authorities in Georgia proper on issues of property restitution or compensation for displaced Ossets suggests that ethnic discrimination remains strong. Meanwhile, it has been suggested that the South Ossetian leadership had blocked attempts by ethnic Georgian internally displaced persons to return, while encouraging Osset refugees in North Ossetia to resettle in South Ossetia rather than return to their pre-war homes in areas under the control of the Government of Georgia,[42] with a view to creating an ethnically homogenous state.

B. Alternatives to return

105. While the right of displaced persons to return to their previous areas of permanent residence must be ensured, it is also imperative that return not be viewed as the only possible durable solution for the displaced, who also have a right to resettle voluntarily in another part of the country. Although government policy, especially with regard to ethnic Georgians displaced from Abkhazia, appears to have been powerfully guided by the political priority placed on return of the displaced, resettlement in other parts of the country also must be supported for those internally displaced persons who desire it. The Guiding Principles, to which Georgian government officials responded so positively, affirm that the authorities have a duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily to their homes or places of habitual residence or to resettle voluntarily in another part of the country.

106. Already, and despite the overriding emphasis on return, it is beginning to be recognized that certain internally displaced persons are unlikely to want to return, out of fear for their safety. The case, noted above, of the Osset man who had opted to resettle in South Ossetia rather than return to his previous residence in government-controlled Georgia, where he feared his safety could not be guaranteed, is one example. Persons who participated in the hostilities, or have relatives who did, consider themselves to be at particular risk of reprisals should they return and thus are likely to prefer resettlement.

107. An IRC pilot project is providing shelter construction assistance (roofing material, paint, windows, etc.) to some 30 families displaced from Abkhazia who have indicated that they will not return. An additional criterion for participation in the programme is that the prospective beneficiaries own land - a condition which, as detailed above, requires registering as a permanent resident in the area concerned and, under existing legislation, losing one's status as an internally displaced person and the benefits that this entails.

IV. A NEW APPROACH

108. As safe and dignified return is not an immediate possibility for the overwhelming majority of Georgia's internally displaced persons, it is imperative to improve their conditions in the interim so as to ensure not only that their basic needs are met but that they have the possibility to become self-reliant. As highlighted above, the greatest needs are: decent living conditions, access to cultivable land, opportunities for employment, access to credit, equal access to health, education and other public services, psychosocial services, and the ability to exercise their full rights as citizens to political participation, including in local and regional-level elections.

109. To be sure, there exists a certain solidarity between the Government and the internally displaced, at least the ethnic Georgians who constitute the majority of the displaced, which can be attributed in particular to shared ethnic kinship. Accordingly, and unlike in many cases of internal displacement, the displaced are not associated with the "enemy", nor are they subject to attacks on their physical security on that basis. The Government readily acknowledged the problem of internal displacement and invited the international community to assist it in meeting the emergency needs of the displaced.

110. Years on, the Government continues to give emphasis to the plight of the internally displaced. The Minister for Refugees and Accommodation, who acts as the government focal point for issues of internal displacement, pointed out that 15 per cent of the State budget is devoted to providing internally displaced persons with assistance to meet their basic needs.[43] And yet, given the current conditions of deprivation in which the displaced find themselves and the delays of months on end in the payment of their subsidy, questions arise as to the diversion of funds. It was difficult, for instance, to obtain a clear answer to the question whether all funds for displaced persons from Abkhazia were channelled through the Abkhaz Government in Exile, which, in addition to describing the humanitarian activities that it undertakes through the system of parallel structures, also informed the mission delegation in considerable detail of the defence capabilities that it maintains.

111. Moreover, years now having passed since the emergency phase of the two displacement crises, there is a need for the national response to go beyond simply providing humanitarian assistance to initiating the critical transition from relief to development. However, efforts to enable the internally displaced to become self-reliant and socially and economically integrated have tended to be strongly resisted by the Government, for fear of undermining the imperative of return and the goal of regaining territorial control that it represents. This policy has, as the Secretary-General has reported to the Security Council, left the internally displaced "in a precarious position, in effect locking them out of the benefits that could accrue to them from participation in longer-term development activities".[44] In this regard, the Representative found certain parallels between the plight of the internally displaced in Georgia and the situation of the internally displaced in Azerbaijan.[45]

112. Significantly, the similarities between the two situations also now extend to the adoption by the Governments concerned of more constructive and humane approaches to the plight of the internally displaced. In Georgia, this policy shift has been described as the "New Approach" to internally displaced persons. Developed by the Government, UNDP, UNHCR, the World Bank and OCHA, the New Approach reaffirms the right of all displaced persons to return to their home in conditions of safety and dignity, while recognizing the need, in the absence of those conditions, to enable internally displaced persons to realize their full rights as citizens and to resume productive lives. In this latter connection, the New Approach seeks to effect a humane transition from humanitarian assistance to more sustainable development, that is, to close what has been dubbed the "relief to reintegration gap".

113. It is also expected that, by enabling internally displaced persons to become, in the words of one government official, "agents for development", the country as a whole will benefit, while internally displaced persons will become better prepared for their eventual return. Indeed, the Minister for Refugees argued that the success of their return relies upon their active engagement in the economy and development of self-reliance in the interim. "Starving, hopeless people", he suggested, "will not have the wherewithal required to withstand difficult conditions upon return".

114. In an indication of the Government's commitment to the New Approach, the President established, by a decree of 31 January 2000, a presidential commission to facilitate, in cooperation with the international community, the development and implementation of specific initiatives to improve the situation of internally displaced persons. The Presidential

Commission, for which the State Minister acts as Chair, is comprised of 20 senior government officials, including the Minister for Refugees and Housing, the Minister of Finance, the Minister of Health and Social Welfare, the Minister of Education, the Minister of Food and Agriculture and the Deputy Minister of Justice. Four working groups charged with ensuring application of the New Approach in the sectoral areas of shelter, income-generation, access to social services and community development are to be assisted by technical experts, including many from internally displaced communities.

115. The creation of the Commission is a welcome step, especially in the light of the emphasis placed by international agencies and donor Governments on the importance of having a coordinating mechanism within the Government on the issue of internal displacement. That the Presidential Commission had not yet held its first meeting by the time of the mission in May was thus a serious concern, and one raised by the Representative with Governmental authorities at the highest level. For the resources required for the success of the New Approach will only be forthcoming from the international community if the Government clearly demonstrates that the issue of internal displacement and the New Approach are a national priority. It was thus most encouraging to learn subsequent to the mission that the Commission had begun to meet and assume its functions.

116. To support the New Approach in operational terms, a self-reliance pilot fund called the Georgia Self-Reliance Fund (GSRF) will provide grants ranging from $25,000 to $100,000 for projects in line with the New Approach. Initiatives supporting internally displaced persons in gaining access to decent housing, land, vocational training, employment, credit and information about their rights and entitlements are of particular interest, but innovative programmes supporting the self-reliance of internally displaced persons as well as their host families and communities will also be considered. The emphasis of the Fund is to be on supporting "hands-on" projects that are designed to create concrete benefits for internally displaced persons and actively involve them in the projects' planning and execution. A gender component, currently not included in the criteria for project funding, should be introduced so as to ensure that projects take into account and address the particular needs of internally displaced women and involve them in the planning and implementation.

117. Since the mission, it has been most encouraging to learn that the World Bank, United Nations agencies and the donor community have made preliminary pledges of $1 million to the Fund, enabling the release in early October of $300,000 for immediate use and the solicitation of GSRF grant proposals. At the time of submission of this report, the selection of the first round of projects was being finalized, with a number of projects set to begin implementation in early 2001. On the basis of the experience in the initial test phase of the New Approach, a more comprehensive two to three year multi-million dollar programme will be developed over the course of 2001.

118. To ensure the development of projects that target the needs of the internally displaced, a key component of the New Approach programme is a comprehensive assessment of the conditions and difficulties of internally displaced persons. A series of studies have been commissioned to assess and address the issues of shelter, employment and income generation, access to social services, the law as it relates to internally displaced persons and issues of community development.

119. In addition, the IFRC is conducting a detailed survey of displaced and non-displaced households to gain a better understanding of their different needs. The assessment will thus also be important in determining the extent to which there exist differences in vulnerability between internally displaced persons and the local population, as well as within the internally displaced population. In Georgia, the Representative frequently came across an impression, in particular within the international community, that internally displaced persons are a privileged group compared with the general population and thus that special programmes for them were unwarranted and would only exacerbate these differences. The findings of the mission challenge this view.

120. To be sure, much of the general population of Georgia is experiencing economic hardship and among them there are many particularly vulnerable persons who require special assistance. Internally displaced persons, simply as a result of being displaced, inevitably face additional disadvantages, including loss of home and property and thus a higher debt burden, possible death or injury of family members, separation of families and dislocation of communities. In the words of one local newspaper: "Take the problems of the average Georgian, then take away their home and social connections."[46] The United Nations Humanitarian Coordinator, Marco Borsotti, has referred to the "unique needs" of internally displaced persons, who are "vulnerable by virtue of their displacement experience, and as such should have access to a wide range of services subsidized by the Government, regardless of objective measures of vulnerability".[47]

121. At the same time, it is true that some internally displaced persons are more economically vulnerable than others. As noted above, there are certain entitlements unique to internally displaced persons, such as the monthly stipend of 12 Georgian lari, to which they are all entitled on the basis of being internally displaced, regardless of their economic situation and need. One senior United Nations official recounted the story of internally displaced persons "driving up in Mercedes to collect their monthly allowance". And yet, to a query as to the percentage of the internally displaced population represented by this example, the response was that the number of internally displaced persons who clearly did not need the allowance was actually very low, while for most internally displaced persons the assistance provided was not enough. Moreover, it must be recalled that benefits, such as the monthly allowance, for the internally displaced that are provided for in law are often not provided in practice.

122. Further challenging the perception that internally displaced persons are economically privileged compared with the general population are the findings of the SCF survey (referred to several times in section II) that there are no differences - positive or negative - between internally displaced persons and the local population in terms of monetized income. However, the survey did find sharp discrepancies, placing the internally displaced at significant disadvantage, in terms of non-monetized income, especially as a result of lack of access to land. Other bases for comparison, for instance the issues of housing space, incidence of illness within the family and likelihood of owning a small business, led to a similar conclusion.

123. In addition, and regardless of their economic situation, internally displaced persons are deprived of certain rights enjoyed by the local population. These include the right to own land and the right to vote for local and regional elected officials. In some cases, they may also be denied the right to have access to regular educational and health facilities. Measures must be taken to end such discriminatory practices.

124. The assessments to be undertaken in conjunction with the New Approach will be important in establishing what the actual conditions and needs of internally displaced persons are and, on this basis, targeting efforts to address their needs, as well as those of vulnerable persons in the general population.

125. It will be important for the assessment and the New Approach programming initiatives to be comprehensive not only in terms of being community-based but also country-wide. The overwhelming focus by the Government, as well as the international community, has been on the plight of the internally displaced from Abkhazia. To be sure, this group constitutes the overwhelming majority of internally displaced persons in Georgia. However, there is also still a sizeable number of internally displaced persons uprooted by the conflict concerning South Ossetia who remain in need of attention and assistance. Even the focus on internally displaced persons from Abkhazia has been somewhat narrow, concentrated on particular regions, especially Samegrelo, with less emphasis on others which also host sizable internally displaced populations, as well as favouring urban centres over rural areas. The mission delegation had the sense that international programming for internally displaced persons has been ad hoc and characterized by a pick-and-choose approach, sponsoring projects in one area but not others, focusing on urban centres but not outlying regions, working with some local NGOs but not others. There is a need for a more comprehensive, coordinated and strategic response. The countrywide assessment of the conditions of internally displaced persons should highlight gaps in the response, including geographic pockets of particular need, and thus help to address any geographic or other imbalances.

126. It will also be important for the design and implementation of New Approach programmes to involve local NGOs and internally displaced communities. Guiding Principle 28. 2 calls for special efforts to be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration. Local NGOs have close contacts with internally displaced communities and are well placed to seek their views and, on this basis, to provide guidance in the selection and design of projects so as to ensure that these best target the needs of the internally displaced. They also suggested that they could play a valuable role in monitoring the implementation and impact of projects.

127. Further, there is a role for local NGOs to play in explaining the New Approach and its implication to internally displaced communities. In the light of the formidable psychological barrier among the displaced to relocation or even to improvement of their current living conditions, it is essential to explain clearly to them that any such improvement in no way negates their right to return to their pre-war place of residence. To counter possible misinformation to the contrary being propagated by political elements, it would be important for this awareness-raising work to be undertaken by NGOs. Local NGOs are particularly well suited to do so, given their close contacts and relationship with displaced communities.

128. In conclusion, the New Approach is an important and welcome initiative that requires support and active involvement at the local, national and international levels. Its emphasis on improving the current conditions of the internally displaced while continuing to advocate their right to return in safety and dignity is a most appropriate response to the challenges that arise in protracted situations of displacement, in particular that of ensuring a timely and humane

transition from relief to development. Indeed, the New Approach to the plight of internally displaced persons in Georgia should serve as a potential model, which could usefully be applied in other such situations, in particular in the region.

V. CONCLUSION

129. By way of conclusion, it can be said that the mission achieved its four stated objectives. The first two of these were to study the situation of internal displacement in Georgia and the current conditions of the internally displaced, and to understand the constraints impeding durable solutions for the displaced. The visits to collective centres where many of the displaced currently reside, as well as to the regions of Abkhazia and South Ossetia from where they originate, proved particularly informative in this regard. It must be said that the findings of the mission challenge the impression frequently encountered, in particular in the international community, that internally displaced persons in Georgia are a privileged group and thus that special programmes for them are unwarranted. The population of Georgia as a whole faces socioeconomic difficulties, but the displaced have additional disadvantages which need to be acknowledged and addressed. In protracted situations of displacement, the particular vulnerabilities of the displaced risk being forgotten. In Georgia, neither the vulnerabilities of the displaced nor the factors leaving them in conditions of vulnerability should continue to be overlooked. The third objective of the mission, that of exploring, through dialogue with the Government and other authorities, international agencies, NGOs, civil society and internally displaced persons themselves, possibilities for overcoming these constraints proved instrumental in meeting the fourth objective, that of formulating a number of recommendations towards ensuring more effective responses.

VI. RECOMMENDATIONS

130. The Commission on Human Rights, as well as the General Assembly, has invited Governments of countries to which the Representative has undertaken an official mission to give due consideration to his recommendations and suggestions and to make available information on measures taken thereon. The Representative looks forward to further cooperation with all those involved in implementing the following recommendations, intended for the Government of Georgia, other authorities, the international community and local NGOs, towards enhancing response to the plight of internally displaced persons in Georgia.

(i) **Acknowledge the vulnerability and special needs of the internally displaced and their rights to protection, assistance, reintegration and development aid.** The findings of the Representative's mission challenge the prevailing impression that internally displaced persons in Georgia are a privileged group, by identifying a number of particular problems and disadvantages that the face. International organizations, NGOs and government authorities should make known their special needs and take steps to address them.

(ii) **Disseminate and promote the Guiding Principles on Internal Displacement, especially in local languages.** Dissemination of the Principles to internally displaced persons is critical, as a means of countering the politically motivated misinformation concerning their rights that is being propagated. Translation of

the Principles into local languages, in particular Abkhaz and Osset, would be important in this regard. The Principles also should be promoted among the authorities, agencies and NGOs and among local communities, so as to sensitize the population at large to the particular plight of internally displaced persons.

(iii) **The Government should design national policies and legislation, and international and local programmes in accordance with the Guiding Principles**. The Government's positive response to the Principles should be reflected in national legislation and policy. Among the initiatives which should facilitate this is the study of Georgian legislation relating to internally displaced persons to be undertaken by the Georgian Young Lawyers' Association, with the support of the Brookings Institution project on internal displacement and OSCE/ODIHR

(iv) **The Government should ensure the full rights of internally displaced persons as citizens**. Though this recommendation is implicit in the previous recommendation, it merits express statement and the undertaking of specific measures, in particular with regard to equitable access to public services such as education and health, access to land, opportunities for income-generation and the right of internally displaced persons to participate fully in the civil and political decision-making processes that affect their lives. Legislation governing land ownership and entitlement to vote in elections needs to be revised so as to respect the rights of the internally displaced. The Government is encouraged to seek assistance from OHCHR, in the context of its technical cooperation and advisory services programme, to support initiatives to promote and protect the rights of internally displaced persons.

(v) **Improve the living conditions of displaced persons.** The Government, the international community and civil society should work together to improve the current living conditions of the displaced, especially those in collective centres. In particular, efforts should be made to encourage the relocation of internally displaced persons, especially those living in hospitals and dilapidated hotels, so that their lives and those of their children can be improved.

(vi) **The Government should ensure payment of the stipend to which internally displaced persons are entitled.** The 12 lari monthly stipend to which internally displaced persons are entitled is certainly not sufficient for their survival but it is critical. Moreover, it is provided for by law. At the time of the mission, internally displaced persons had not received this stipend for six months.

(vii) **Support comprehensive and countrywide efforts to improve the current conditions of internally displaced persons**. Too much of the humanitarian focus is on certain groups and areas, to the neglect of others. Support programmes, such as the New Approach, should seek to become more comprehensive, encompassing internally displaced persons from the Georgian-Osset conflict, as well as those displaced by conflict in Abkhazia, and targeting rural as well as urban areas. In particular, they should be based on an

objective assessment of vulnerability, and there should be rapid disbursement of funds from the international community and prompt implementation of projects to improve the lives of the displaced, especially in terms of their living conditions, opportunities for income-generation and access to land.

(viii) **Given special attention to the particular needs of women and women-headed households.** Skills training, business development and credit support initiatives targeting internally displaced women are required, as is strengthened support for organizations of internally displaced women. Towards ensuring that projects undertaken as part of the New Approach address the particular needs of women and women headed-households, as well as involve women in the planning and implementation, a gender component should be introduced as criteria for funding by the Georgia Self-Reliance Fund.

(ix) **Support programmes to address psychosocial needs.** The high incidence of mental health problems among the internally displaced and the impact that these have on the pursuit of possibilities to improve their living conditions and on the preservation of the family unit call for comprehensive programmes addressing psychosocial needs, and paying special attention to those of internally displaced children.

(x) **Uphold the right of internally displaced persons to return in safety and dignity.** The emphasis in the New Approach on improving the current conditions of internally displaced persons must in no way be misconstrued as abandoning the right to return, which is imprescriptible and must continue to be advocated and actively pursued by the Government, local NGOs and civil society, and the international community.

(xi) **End obstructions to the right to return in safety and dignity.** The national and de facto authorities must take concrete measures to ensure respect of this right and create the conditions for its realization. The Abkhaz authorities in particular are called upon to cease the laying of mines as a deterrent to return, to support de-mining efforts in areas of return, to make concerted efforts to establish law and order in areas of return and to revise, in accordance with international standards, the language of instruction policy in Georgian schools, which also works to obstruct return. The Government of Georgia is called upon to ensure a fair and transparent process for property restitution or compensation and, together with the Government in Exile, to make concerted efforts to stem the incursion of armed partisan groups into the security zone established as part of the cease-fire agreement regarding the conflict in Abkhazia. The authorities in South Ossetia also are called upon to establish effective mechanisms of law and order and, in particular, to prevent ethnically motivated violence, prosecuting and punishing perpetrators when this does occur.

(xii) **Recognize the right of internally displaced persons to pursue alternatives to return, that is resettlement in another part of the country.** Given the politicization of the plight of internally displaced persons in Georgia, it is

essential to ensure that the overriding emphasis on return, which indeed appears to be the preferred option of many of the displaced, does not come at the expense of alternative durable solutions, specifically resettlement, to which internally displaced persons are also entitled.

(xiii) **Support those supporting the displaced.** This support must take a number of forms. Host families who have generously taken in internally displaced persons but may also be suffering poor socioeconomic conditions require support in shouldering this extra burden. Human rights and humanitarian personnel, local as well as international, must be able to operate with unrestricted access to populations in need and have their safety assured. Moreover, the important work of local NGOs with the internally displaced must be supported and strengthened, in particular outside of the capital and in Abkhazia and South Ossetia, especially as civil society is one of Georgia's greatest assets and NGOs can make an important contribution to depoliticizing the plight of the displaced. Special attention should be given to supporting the active involvement of local NGOs and civil society in the implementation of the New Approach.

(xiv) **Intensify efforts to resolve the conflicts.** While undertaking measures to improve the current conditions of the displaced, durable solutions to their plight of course require that the root causes of their displacement, which are inherently political in nature, be effectively addressed. Though conflict negotiation processes have been in place for both conflicts for several years now, there is a need for intensification by all parties of efforts towards a peaceful resolution of the conflicts causing displacement. The Government of the Russian Federation has a particularly important role to play in facilitating the resolution of both conflicts, especially that in Abkhazia.

(xv) **Advance planning for post-conflict reconstruction.** Following a peace agreement, a comprehensive post-conflict reconstruction and rehabilitation programme that addresses the particular needs of returnees as well as of the local population will be required as an essential component of a durable peace. Advance planning for this by the Government and other authorities, in cooperation with the international community, is important for ensuring a smooth transition to peace, and to support the return and reintegration of displaced persons.

(xvi) **Support efforts promoting peaceful co-existence.** Even in the event of political agreements ending the conflicts, the legacy of bitterness left by the ethnic conflicts must also be addressed and overcome in order to ensure the safe and durable return and reintegration of displaced persons into their pre-war communities. A number of initiatives to this end have begun, but local NGOs, on both sides of the Abkhaz conflict in particular, noted the need for more concerted efforts to enable dialogue and establish other links between the civilian population caught up in the conflicts. The Government, de facto authorities and the international community should also invest in these grassroots peace-building initiatives.

Notes

[1] The Government cites the precise figure of 282,155 persons. Ministry of Foreign Affairs, Government of Georgia, Report on Internally Displaced Persons (IDPs) in Georgia, May 2000, p. 3. The U.S. Committee for Refugees, an authoritative source on figures of internally displaced populations worldwide, cites the approximate figure of 280,000. U.S. Committee for Refugees, World Refugee Survey, 2000 (Washington, D.C., Immigration and Refugee Services of America, 2000), p. 239.

[2] Ministry of Foreign Affairs, op. cit., p. 11.

[3] The role of Russia in the conflict is well documented. See, for instance, Thomas Goltz, "Letter from Eurasia: the hidden Russian hand", Foreign Policy, Issue 92 (Fall 1993), pp. 92-116; Human Rights Watch, Georgia/Abkhazia: Violations of the Laws of War and Russia's Role in the Conflict (New York, Human Rights Watch, 1995).

[4] See "Report of the Secretary-General's fact-finding mission to investigate human rights violations in Abkhazia, Republic of Georgia" (S/26795, annex), 17 November 1993. See also Human Rights Watch, Georgia/Abkhazia: Violations of the Laws of War and Russia's Role in the Conflict, op. cit.; Amnesty International, Georgia: Alleged Human Rights Violations during the Conflict in Abkhazia (London, Amnesty International, 1993).

[5] See OSCE Istanbul Summit Declaration (SUM.DOC/2/99), 19 November 1999, para. 17. See also conclusions of the OSCE Lisbon Summit regarding the situation in Abkhazia, Georgia, reproduced in the annex to Security Council document S/1997/57; and Budapest Decisions, chapter II, Regional issues, Georgia, in Conference on Security and Co-operation in Europe, Budapest Document: Towards a Genuine Partnership in a New Era, 6 December 1994.

[6] Quadripartite Agreement on the Voluntary Return of Refugees and Displaced Persons, signed in Moscow on 4 April 1994 by the Abkhaz and Georgian sides, the Russian Federation and UNHCR. The text is reproduced in annex II to Security Council document S/1994/397.

[7] See Erin D. Mooney, "Internal displacement and the Conflict in Abkhazia", International Journal on Group Rights, vol. 3, No. 3, (1995/96), pp. 197-226, especially pp. 209-214. For a critique of UNHCR involvement in organized return under the Quadripartite Agreement, see Open Society Institute, Forced Migration: Repatriation in Georgia (New York, June 1995).

[8] For more details of the events and, in particular, of the response of Commonwealth of Independent States (CIS) peacekeepers and United Nations military observers in the area, see S. Neil MacFarlane, Larry Minear and Stephen D. Shenfield, "Armed Conflict in Georgia: A case study in humanitarian action and peacekeeping", Occasional Paper No. 21 (Providence, Rhode Island. Thomas J. Watson Jr. Institute for International Studies, 1996), pp. 54-55; and Mooney, op. cit., p. 222-233.

[9] "Report of the Secretary-General concerning the situation in Abkhazia, Georgia" (S/1998/647), 14 July 1998, para. 13.

[10] Security Council resolution 1187 (1998) of 30 July 1998.

[11] See Helsinki Watch, Bloodshed in the Caucasus: Violations of Humanitarian Law and Human Rights in the Georgia-South Ossetia Conflict (New York, Human Rights Watch, 1992).

[12] See Erin D. Mooney, "Ingush displacement from North Ossetia: keeping it on the international agenda", International Journal of Refugee Law, vol. 7, No. 4, 1995, pp. 675-678; Human Rights Watch, The Ingush-Ossetian Conflict in the Prigorodnyi Region (New York, Human Rights Watch, 1996).

[13] Susie Mesure, "Slim hopes for IDPs", Georgia Today (12-18 May 2000).

[14] Save the Children Fund (SCF), Georgia Assistance Initiative Survey (February 2000), see www.assistancegeorgia.org.ge/survey

[15] International Federation of the Red Cross (IFRC), Survey of Collective Centres Accommodating Internally Displaced Persons, 1999, (Tbilisi, IFRC, 2000), p. 4.

[16] "Georgian special police disperse displaced persons' protest", RFE/RL Newsline, vol. 4, no. 114, 13 June 2000.

[17] World Bank, Georgia - Poverty and Income Distribution, vol. I, Report No. 19348-GE (Washington, D.C., World Bank, 1999), paras. 1-2.

[18] Ibid., para. 12

[19] The legality of legislative provisions relating to registration and status of internally displaced persons is persuasively challenged in Georgian Young Lawyers' Association, "Monitoring of legal and actual status of internally displaced persons in Georgia", a paper supported by UNHCR (Tbilisi, 1999), pp. 26-27.

[20] Ibid., p. 20.

[21] World Bank, op.cit., para. 14.

[22] International Federation of Red Cross and Red Crescent Societies (IFRC), Survey of the Living Conditions of the Population of Jvari, Samegrelo Region, Georgia (Tbilisi, IFRC, 2000), p. 20.

[23] Ibid., p. 22.

[24] Ibid., pp. 22-23.

[25] G.F. Maberly, Iodine Deficiency in Georgia: Progress toward Elimination, Summary Report, Atlanta, The Program against Micronutrient Malnutrition, 1997.

[26] IFRC, op. cit., p. 37.

[27] Save the Children Fund survey, February 2000.

[28] IFRC, Nutritional Survey of IDP Children in Western Georgia, (Tbilisi, IFRC, 1998).

[29] Ibid., p. 26: also UNDP, Human Development Report: Georgia, 1998 (Tbilisi, 1998), p. 81,citing a survey conducted in 1996-1997 by the State Department of Statistics in Georgia.

[30] Simon Bagshaw, "Internally displaced persons and political participation: the OSCE region", Occasional Paper (Washington, D.C., Brookings Institution Project on Internal Displacement, September 2000).

[31] "Report of the Representative of the Secretary-General on internally displaced persons; Compilation and analysis of legal norms (E/CN.4/1996/52/Add.2), paras. 48-65. See also Walter Kälin, Guiding Principles on Internal Displacement: Annotations, Studies in Transnational Legal Policy, No. 32 (Washington, D.C., American Society of International Law and Brookings Institution Project on Internal Displacement, 2000), pp. 6-7.

[32] United Nations Association of Georgia, press release, 16 May 2000.

[33] "Report of the Secretary-General concerning the situation in Abkhazia, Georgia" (S/2000/697), 17 July 2000, para. 17.

[34] "Report of the Secretary-General concerning the situation in Abkhazia, Georgia", (S/2000/345), 24 April 2000. para. 23.

[35] Ibid., paras. 14-20, 23, 25, 31.

[36] Moscow Agreement of 14 May 1994, Protocol concerning the peacekeeping force of the Commonwealth of Independent States.

[37] Mooney, "Internal Displacement and the Conflict in Abkhazia", op. cit., pp. 215-221; MacFarlane, Minear and Shenfield, op. cit., pp. 54-57.

[38] Opinion No. 209 (1999), "Georgia's application for membership of the Council of Europe", Extract from the Official Gazette of the Council of Europe (January 1999), para. 10 (v) (a).

[39] The HALO Trust and Abkhazia Mine Action Centre, Abkhazia Minefield Survey Report, Edition One (March 2000).

[40] United States Committee for Refugees (USCR), World Refugee Survey, 2000, p. 240.

[41] Official Gazette of the Council of Europe, op. cit., para. 10 (ii) (g).

[42] USCR, World Refugee Survey, 2000, p. 240. This point was also made by international observers met by the mission delegation.

[43] Mesure, op. cit.

[44] "Report of the Secretary-General to the Security Council", (S/2000/345), 24 April 2000, para. 24.

[45] See "Profiles in displacement: Azerbaijan, Report of the Representative of the Secretary-General on internally displaced persons" (E/CN.4/1999/79/Add.1), 25 January 1999.

[46] Sam Belucci and Tamara Cherkezishvili, "Everyday Iveria", Georgia Today, 12-18 May 2000.

[47] Marco Borsotti, "IDPs and frozen conflicts: answering the challenge", Statement to the Economic and Social Council Humanitarian Segment panel discussion on internally displaced persons, New York, 19 July 2000.

Appendix

MAP OF GEORGIA AND REGION

Source: Internally Displaced People: A Global Survey, 1998

Note: The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations.

- - - - -

UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/CN.4/2001/5/Add.5
25 January 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 14(c) of the provisional agenda

SPECIFIC GROUPS AND INDIVIDUALS

MASS EXODUSES AND DISPLACED PERSONS

Report of the Representative of the Secretary-General on internally displaced persons, Mr. Francis Deng, submitted pursuant to Commission on Human Rights resolution 2000/53

Addendum

Profiles in displacement: Angola*

* The executive summary of this mission report is being circulated in all official languages. The report itself is contained in the annex to the executive summary and is being circulated in the language of submission and Spanish only.

GE.01-10615 (E)

Executive summary

At the invitation of the Government, the Representative of the Secretary-General on internally displaced persons, Mr. Francis M. Deng, undertook an official mission to Angola from 31 October to 9 November 2000.

The Representative's mission should be seen in the context of other international missions to Angola, in particular that of the United States Permanent Representative to the United Nations, Ambassador Richard Holbrooke, in December 1999, which drew international attention to the critical situation facing the internally displaced in Angola and raised serious concerns as to the extent to which their needs were being met by the Government and the international community. This was followed by an inter-agency mission in March 2000, led by the Emergency Relief Coordinator a.i., Carolyn McAskie, which made a series of recommendations for improving the plight of the internally displaced, a number of which have since been taken up by the Government and the international community, such as a rapid assessment of critical needs, followed by the formulation of plans of emergency action at the national and provincial levels. As such, the Representative's mission was undertaken at a significant point in time, providing an opportunity to assess the progress which had been made in the seven months since the inter-agency mission, the extent to which the needs of the displaced were being addressed, what gaps remained and how these might be filled.

Overall, the Representative noted a number of distinct and encouraging developments in the situation of the internally displaced in terms of the national and international response to their plight. Such developments notwithstanding, it was clear that there remained a number of serious humanitarian and, in particular, protection concerns which needed to be addressed. A number of recommendations aimed at addressing these concerns are detailed in the report.

This report consists of five parts. Part I provides an overview of the displacement crisis, as reflected by the inter-agency mission of March 2000 and the subsequent rapid assessment of critical needs. It focuses on the numbers of the displaced, their conditions, including their protection needs, and the national and international response. Part II outlines the measures which have been taken since April 2000 to ameliorate the situation, focusing on the rapid assessment, the development of Plans of Emergency Action and minimum standards for the return and resettlement of displaced persons. Part III details the findings of the mission which are considered in terms of the positive effects of measures taken by the Government and the international community; ongoing humanitarian and protection concerns, the problem of landmines, and possible future scenarios with regard to the conflict. Part IV contains the conclusions and recommendations.

Annex

PROFILES IN DISPLACEMENT: ANGOLA

CONTENTS

		Paragraphs	Page
Introduction		1 - 6	4
I.	OVERVIEW OF THE CRISIS	7 - 41	5
II.	MEASURES TAKEN TO AMELIORATE THE SITUATION	42 - 47	13
III.	THE MISSION AND ITS FINDINGS	48 - 112	14
IV.	CONCLUSIONS AND RECOMMENDATIONS	113 - 128	30

Introduction

1. Over one quarter of the population of Angola has been internally displaced by armed conflict which has persisted in a state of virtual perpetuity since independence from Portugal in 1975. Although the signing in 1991 of the Bicessé Accords was seen as marking the end of 16 years of post-independence conflict between rival political movements and their cold war sponsors, the rejection by the National Union for the Total Independence of Angola (UNITA) of the results of the 1992 Bicessé-sanctioned elections, which it lost to the Movement for the Popular Liberation of Angola (MPLA), resulted in a further two years of armed conflict during which 1.3 to 2 million Angolans fled, or were forced from, their homes, mostly to provincial centres or the capital, Luanda. While the relative stability following the signing of the Lusaka Protocol in 1994 enabled some of the displaced to return to their homes, by the end of 1997 over 1 million persons could not return due to continuing insecurity in rural areas. The eventual collapse of the Lusaka Protocol and resumption of armed conflict in December 1998 has resulted in the internal displacement of a further 2.6 million persons, bringing the total number of internally displaced persons in Angola to over 3.8 million.

2. At the invitation of the Government, the Representative of the Secretary-General on internally displaced persons, Mr. Francis M. Deng, undertook an official mission to Angola from 31 October to 9 November 2000. With the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2) as a point of reference, the objectives of the mission were to study the situation of internal displacement in the country and to undertake a dialogue with the Government, international agencies, non-governmental organizations (NGOs) and other relevant actors with a view to ensuring effective responses to the current conditions of the internally displaced.

3. During the mission, the Representative engaged in constructive and candid dialogue with the Vice-Minister for Foreign Affairs, the Minister for Defence, the Minister for Planning, the Vice-Minister for Justice, the Minister for Agriculture and Rural Development, the Attorney-General, the Minister and Vice-Minister for Social Assistance and Reintegration, and the Minister for Health. He also met with the Representative of the United Nations Secretary-General for Angola, the United Nations Humanitarian Coordinator, representatives of United Nations and other international humanitarian, human rights and development agencies, the diplomatic and donor community and civil society, including representatives of church groups. The programme included visits to the provinces of Moxico, Huambo, Bié, as well as to settlements of displaced persons in Viana, located outside the capital Luanda, and other settlements on the outskirts of Luanda. In the course of the visits to the provinces, meetings were held with provincial and municipal authorities, international agencies and NGOs, representatives of civil society and internally displaced persons themselves. The Representative was accompanied throughout the mission by Mr. Sivanka Dhanapala, who represents the mandate in New York, and Mr. Simon Bagshaw, research assistant to the Representative, based in Geneva.

4. The Representative's mission should be seen in the context of other international missions to Angola, in particular that of the United States Permanent Representative to the United Nations, Ambassador Richard Holbrooke, in December 1999, which drew international attention to the critical situation facing the internally displaced in Angola and raised serious concerns as to the extent to which their needs were being met by the Government and the international community. This was

followed by an inter-agency mission in March 2000, led by the Emergency Relief Coordinator a.i., Carolyn McAskie, which made a series of recommendations for improving the plight of the internally displaced, a number of which have since been taken up by the Government and the international community, such as a rapid assessment of critical needs, followed by the formulation of plans of emergency action at the national and provincial levels. As such, the Representative's mission was undertaken at a significant point in time, providing an opportunity to assess the progress which had been made in the seven months since the inter-agency mission, the extent to which the needs of the displaced were being addressed, what gaps remained and how these might be filled.

5. Overall, the Representative noted a number of distinct and encouraging developments in the situation of the internally displaced in terms of the national and international response to their plight. Such developments notwithstanding, it was clear that there remained a number of serious humanitarian and, in particular, protection concerns which needed to be addressed.

6. This report consists of five parts. Part I provides an overview of the displacement crisis, as reflected by the inter-agency mission of March 2000 and the subsequent rapid assessment of critical needs. It focuses on the numbers of the displaced, their conditions, including their protection needs, and the national and international response. Part II outlines the measures which have been taken since April 2000 to ameliorate the situation, focusing on the rapid assessment, the development of plans of emergency action and minimum standards for the return and resettlement of displaced persons. Part III details the findings of the mission, which are considered in terms of the positive effects of measures taken by the Government and the international community; ongoing humanitarian and protection concerns, the problem of landmines, and possible future scenarios with regard to the conflict. Part IV contains the conclusions and recommendations.

I. OVERVIEW OF THE CRISIS

7. "With inadequate financial aid from the donor community", declared Ambassador Holbrooke in March 2000, "the international assistance network in Angola is ill-organized and unable to provide adequate support [to the internally displaced]. There is no clear lead-agency with overall responsibility for every aspect of this complicated problem, particularly regarding protection, and there is inadequate coordination. And there are real consequences: innocent people, without support, are left as the debris of conflict and government neglect."[1] This and earlier statements became the focal point of inter-agency and broader United Nations discussions on Angola and international coordination arrangements more generally. Indeed, it was in the context of these discussions that the Secretary-General requested the Emergency Relief Coordinator a.i. to lead an inter-agency mission to Angola, "where situations of internal displacement are particularly widespread and complex".

A. Magnitude of the displacement crisis

8. Out of a total population of around 12 million, there are an estimated 3.8 million internally displaced persons, of whom 2.6 million have become displaced since January 1998.[2] The displaced are dispersed throughout all 18 provinces of this vast country of over 1.2 million square kilometres, with the largest concentrations of the displaced found in the provinces of Malanje (131,931), Huambo (126,566), Huila (125,309) and Bié (123,041).

9. Of those 2.6 million displaced since January 1998, approximately 1.1 million have been registered by humanitarian agencies and therefore receive some form of humanitarian assistance. Of these, 393,000 are currently living in camps and transit centres where they depend on international assistance in order to survive. Approximately 187,000 are resettled temporarily in peri-urban areas and receive assistance aimed at helping them achieve self-sufficiency. The remaining 520,000 are integrated into urban or peri-urban areas and for the most part receive some form of assistance. The additional 1 million displaced persons are integrated with resident populations in Luanda and other provincial capitals.

10. Between January and November 2000, an estimated 338,000 persons became displaced, a large number of whom have not been registered by the Government nor verified by international agencies or NGOs and are therefore not receiving humanitarian assistance. In addition, an estimated 525,000 people are believed to be displaced in areas inaccessible to international agencies. It should be noted that, while the Government claims to have control of over 92 per cent of the country, in many cases this means that either the police or military have control of the provincial capitals and major towns and their environs only, but not the rural areas from which most of the displaced originate. During 2001, United Nations agencies estimate that a further 100,000 people will be displaced from insecure areas.

11. The different waves of displacement in Angola have resulted in the categorization of the displaced into the "very old" displaced - those displaced during the post-independence (1975-1991) and post-election (1992-1994) wars; the "old" or "long-term" displaced - those displaced after the signing and gradual demise of the Lusaka Protocol between 1994 and 1997; and finally, the "new" displaced - those displaced after January 1998 with the continued demise and eventual collapse of the Lusaka Protocol in December 1998. These categories have implications for the humanitarian response. Generally, the "very old" and "old" displaced are excluded from assistance since they are considered to have integrated into their new communities and to have established coping mechanisms and thus are no longer considered vulnerable.

12. While recognizing that the internally displaced have specific needs, the inter-agency mission of March 2000 noted that the situation of the internally displaced cannot be analysed in isolation from the plight of other war-affected populations: "Internal displacement in Angola takes place within a context of war, compounded by limited national capacities and structural weaknesses ... exacerbated by the collapse of basic services, whereby [internally displaced persons] and residents compete for the same dwindling resources."[3] The 2001 Inter-agency Consolidated Appeal for Angola (CAP) notes that populations hosting internally displaced persons are becoming seriously affected as newcomers compete for diminishing resources and pressure increases on infrastructures already weakened by 25 years of war. Displaced persons living within resident communities are usually hosted by members of the same kinship network. However, with a majority of the entire population living either at or below the poverty line, resources in most households are limited and can be stretched very little before further hardship is created. International agencies estimate that during the past eight years the majority of host households have become destitute. Although international assistance is provided to the registered internally displaced, most host families do not qualify for aid and are, therefore, cut off from services that would help sustain their households.

13. Although the Representative was primarily examining the situation of the internally displaced, he emphasized during the mission that the internally displaced, while possessing very specific needs, were not to be regarded in isolation but as a microcosm of the population at large. The Representative noted that Angolan society had been torn apart by decades of war and there was a need to reactivate communities. Indeed, attention must be paid also to host communities whose hospitality might easily wear thin as a result of the burden of hosting the displaced.

B. Conditions of the displaced

14. The inter-agency mission bore witness to the dramatic conditions in which some of the displaced were living, observing "extreme levels of deprivation" and "inhumane shelter conditions". The mission noted that the protection needs of the displaced "go largely unaddressed", in part because of the limited international capacity to monitor, report and follow-up on violations. The mission reported problems of access to the displaced and war-affected population in UNITA-held areas which prevents the provision of life-sustaining assistance and protection to these groups. It also affects the ability of the humanitarian community to provide assistance in an impartial and neutral manner. As assistance is provided in government-held areas only, humanitarian personnel are viewed as aligned with the Government and, therefore, as potential targets.

15. On the basis of recommendations made by the inter-agency mission, a rapid assessment of critical needs was undertaken at the beginning of April in 31 accessible locations in 10 provinces, the findings of which provide a useful overview of the conditions of the displaced at that time.[4]

16. Overall, large numbers of displaced people were found to be suffering acute distress, either because they were living in a poorly managed transit centre, were newly displaced and had no resources or because their resources had been depleted. Some of the most distressed populations were newly displaced persons in Cuito Cuanavale, Menongue and Chipipa. Other highly distressed populations were found in Longonjo and Ukuma, which only became accessible to humanitarian agencies in the month of the assessment. However, displaced populations had arrived in these areas more than a year before and the absence of humanitarian support had inhibited their coping mechanisms, resulting in constant deterioration of their situation.

17. Elsewhere, throughout the country, large numbers of displaced persons were coping, though their survival mechanisms were over-stretched. In many communities, the displaced, particularly those who fled during earlier periods of conflict, had integrated, though acute distress was found among some segments of the long-term displaced, particularly the elderly, widows, separated children and the handicapped. The needs of the weakest members of displaced communities were not being met and these groups were considered to be on the "brink of disaster".

18. With few exceptions, those displaced in areas to which humanitarian agencies had continued access benefited from food assistance. The exceptions included areas that had only recently come under government administration, for example Maquela do Zombo, and areas where ongoing insecurity hampered regular access, for example, Caluquembe and Caiundo.

19. The assessment confirmed that the health system in Angola was unable to meet the needs of at-risk populations, including the displaced. None of the hospitals visited during the assessment had

sufficient essential medicines. All were found to be understaffed, underfunded and in need of basic equipment. Throughout the country, there were shortages of both general and trained medical personnel and in several locations staff had not received salaries for a number of months. The conditions of hospitals and health posts varied. In some cases, buildings were adequate, while in others, roofs were in need of repair. More than 50 per cent of the buildings lacked a regular supply of potable water and many had inadequate sanitary facilities.

20. Malaria, diarrhoea, tuberculosis and upper respiratory track infections were reported in the majority of locations visited. Measles and polio were reported in a few locations. Other diseases include meningitis and sleeping sickness. Suspected cases of HIV have been recorded, though it is suggested that this disease is significantly underreported. Tuberculosis and diarrhoea were prevalent in transit centres where severe overcrowding, appalling sanitation and extreme destitution had put the displaced at acute risk of infection. Skin diseases were also widespread.

21. Vaccinations were incomplete in many locations. Large numbers of children under five had received only one dose of a multi-dose vaccine or none at all. Coverage for children over five was even more limited. In all locations visited, delivery practices were rudimentary. Although problems with birthing are common, there were virtually no delivery or post-delivery facilities in either hospitals or health posts.

22. In some areas with a high concentration of mine victims, for example Andulo, Negage and Maquela do Zombo, the medical services were found to be inadequate. There were no appropriate evacuation methods and local health facilities lacked the necessary blood and surgical equipment to treat mine victims. Prostheses are available at only five centres in the country.

23. Newly displaced populations were particularly affected by critical shortages of non-food items. In insecure areas, for example Cuando Cubango, the displaced were arriving in relatively safer parts with few, or no possessions. In none of the locations receiving new arrivals were adequate contingency stocks of non-food items available. Populations displaced either in 1999 or at earlier stages of the conflict were found to require basic survival items, including blankets, soap, buckets, plastic sheeting, kitchen sets and clothing. Tens of thousands of displaced families were urgently in need of these items throughout the country.

24. Displaced persons residing in poorly managed transit centres and camps were facing acute shelter needs. In the worst transit centres, thousands of displaced persons were crowded together in abandoned, poorly ventilated, roofless warehouses with no access to water and sanitary systems. In virtually all of the locations visited, the displaced were in need of appropriate materials to construct adequate shelters. In many camps, the displaced were living in damaged and poorly ventilated tents or in shelters made out of cardboard scraps, torn fabric and other inadequate materials.

25. In the majority of the locations, displaced persons lacked land and agricultural inputs and were thus unable to even attempt to become self-reliant. In some locations where the displaced had received land, for example Malanje, the amount was less than the half hectare considered by United Nations agencies - and reflected in the norms on resettlement - to represent the minimum amount on which a family can be expected to provide for itself. In other cases, the land which had been provided was unproductive. In 20 of the locations, displaced populations had received no land

from the provincial authorities. In any event, most of the displaced lacked adequate seeds or tools for the forthcoming planting seasons, having consumed many of the seeds distributed during 1999 because they were delivered late or because of food insecurity. Most of the displaced who were able to farm achieved low yields owing to poor quality soil. It was a matter of particular concern that displaced populations who had not received land were reportedly forced to work on latifundios (estates) where they received no wages and had only limited access to extremely small plots of land.

26. The majority of the displaced lacked access to potable water. Water distribution points were few or non-existent in most camps and transit centres. In areas where water supplies were an acute problem, for example, Huambo and Negage, high levels of morbidity were found among the displaced. In these and other areas, such as Caala and Luena, construction or rehabilitation of water systems was likely to be problematic owing to poor roads, damaged air strips, insecurity and landmines. Sanitation systems in the majority of sites were unacceptable, especially in the transit centres. In camps and settlements, latrines were limited or non-existent.

C. Protection

27. The rapid assessment confirmed that protection problems are widespread in Angola, though it should be noted that the lack of access to areas affected by persistent insecurity prevents agencies from gaining a complete picture of the difficulties faced by displaced populations.

28. While possibly outside the remit of the rapid assessment, it is important to note, as did the inter-agency mission, that the responsibility for displacement falls on both the government Armed Forces of Angola (FAA) and UNITA. The Government and the FAA are reported to displace forcibly the civilian population as a counter-insurgency strategy or as a short-term security measure to protect civilians. Other reports indicate that indiscriminate shelling by the FAA[5] and the circulation of false information have resulted in the displacement of civilians. Allegations of similar practices have been levied against UNITA.[6] There are also reports that UNITA forcibly displaces civilians to Government-controlled areas in order to increase pressure on government resources.[7]

29. The rapid assessment found that the most widely observed protection problems concerned the delivery of humanitarian assistance and freedom of movement.[8] In certain areas, the displaced were forced to pay bribes to local or traditional authorities in order to be included on distribution lists or were expected to hand over a portion of their assistance to such authorities. Theft of food and non-food items by combatants was common, particularly in areas where troops were not regularly paid. Other reports suggest that extortion and theft by government forces had on occasion involved or resulted in forced displacement.[9] Harassment by armed troops appeared to be targeted towards populations from areas formerly under UNITA control, for example Andulo, Bailundo and Malanje. There were reports that displaced persons who had ventured past the security perimeters of towns to collect food or firewood had been beaten and robbed by armed UNITA groups or bandits, or had fallen victim to landmines. There were also reports of forced recruitment of displaced persons, including of children, by both sides.[10]

30. The assessment found that internally displaced women, particularly those living near military encampments were subject to sexual harassment and some had been forced into prostitution in order to procure basic necessities. There were also reports of women and girls being abducted from camps

for the displaced by UNITA. In addition, there are large numbers of unaccompanied and orphaned children among the displaced. The assessment notes that although many of these children have been integrated into kinship networks or community structures, many of their needs are not met. Unaccompanied children are vulnerable to forced recruitment and abuse. Furthermore, the poverty, disease, domestic violence and child abuse associated with displacement prompt many children to leave their homes voluntarily. In so doing, they become increasingly vulnerable to disease and abuse.[11]

31. The assessment found that displaced populations had been prevented from entering the provincial capitals of Huambo, Malanje and Kuito and, in several cases, were involuntarily resettled in the outskirts of these cities. In Cambondo, approximately 800 displaced persons were transferred in January to a site near a local military camp and in Luena, local authorities had established a resettlement site in an area with mines. Similar concerns were noted by the inter-agency mission of March, which reported that in various instances the Government had forcibly relocated displaced populations, usually to areas outside the national or provincial capital security perimeter. In most cases, such movements were implemented without planning or coordination and imposed on both the displaced and the humanitarian community, resulting in human suffering. The Government justified these moves by the need to free up the facilities where the displaced had settled, i.e., factories or military camps. However, the relocation is regarded by many as part of the Government's attempt to consolidate its presence and control in newly liberated areas. The inter-agency mission was informed of cases of forced return where the Government had "strongly encouraged" the displaced population to regain their areas of origin, without ensuring adequate safety and living conditions. In some cases, the areas of return were attacked and the displaced forced to flee once more.

D. Security, access and constraints on humanitarian operations

32. The rapid assessment confirmed that the humanitarian agencies had access only to populations living in government areas. The conditions of the displaced and war-affected populations in UNITA-held areas were unknown, but were assumed to be problematic based on the status of people recently displaced from those areas and of people residing in areas newly under government control. Even in government-controlled areas access to some parts remained problematic owing to ongoing insecurity and the presence of landmines.

33. As a result of the general situation of insecurity throughout the country, humanitarian operations were logistically dependent on air support. However, many airstrips were reported to be badly damaged as a result of overuse and poor maintenance, in particular in Kuito. Also, the air support network provided by the World Food Programme (WFP), on which humanitarian agencies rely heavily, was close to full capacity. Repeated requests to increase the number of aircraft had been denied. It was noted that further expansion of humanitarian operations to meet the needs identified during the assessment would be difficult to accommodate using the existing network.

34. Humanitarian operations are of course dependent upon donor support. The assessment noted that in certain priority areas with acute needs, for example Cuando Cubango, lack of funding from donors had forced agencies to close programmes. Further expansion of humanitarian operations to meet the needs identified during the assessment would require increased donor support. In this

regard, substantial contributions to the Emergency Relief Fund of the Office for the Coordination of Humanitarian Affairs (OCHA), which supports the programmes of NGOs and United Nations agencies with grants, are urgently required.

E. National and international response

35. As emphasized in the Guiding Principles, the primary responsibility for meeting the protection and assistance needs of the internally displaced rests with the national authorities (Principle 3). In Angola, however, the Government's attitude to the displaced has, in the past, been described as one of neglect: "The Government does very little for those people under its control, and most of the time it asks very little of them. They are left alone to sink or swim without the benefit of any social safety net ... Government structures such as MINARS [Ministry of Social Assistance and Reintegration], and the Ministries of Health and Education exist, but are so chronically underfunded as to be almost entirely ineffectual." However, "most Angolans have tended to prefer this form of neglect to UNITA's form of draconian social control".[12] Such an assessment gives particular cause for concern when one considers Angola's endowments of natural resources, in particular its oil reserves. Angola is the second largest oil exporter in sub-Saharan Africa, with the oil sector accounting for an estimated 53 per cent of gross domestic product between 1994 and 1998, and around 95 per cent of export receipts. In 1997, Angola exported crude oil to the value of over US$ 4 billion.[13]

36. MINARS is the principal government coordinating body and chairs, together with the Humanitarian Coordinator, the Humanitarian Coordination Group (HCG), comprising also the Ministries of Health (MINSA), Agriculture and Rural Development (MINADER) and Education (MINED), as well as heads of United Nations agencies and donors. The HCG was established in February 1995 to monitor the overall humanitarian programme in Angola, to define policies for effective implementation of humanitarian activities and to provide timely solutions to problems arising therein. In addition to the HCG, there are four technical sub-groups, including a Sub-Group on Displaced Persons and Refugees, chaired by MINARS and composed of United Nations agencies and NGOs. The Sub-Group was established to improve coordination of the tracking of internally displaced persons and assistance provided to them. The HCG and Sub-Group structure is reflected at the provincial level.

37. In July 1999, in a belated governmental effort to address the humanitarian situation, the Inter-Ministerial Commission on the Humanitarian Situation was established, comprising MINARS, MINADER, MINSA and also the Ministries of Planning, Territorial Administration, and Commerce. In October 2000, the Commission launched a US$ 55 million National Programme for Emergency Humanitarian Assistance (PNEAH) to be implemented in two phases. During the first phase (August 1999-March 2000), emergency assistance was to be provided to "at-risk populations" in the provinces of Bengo, Malanje, Moxico, Huambo, Cuando Cubango, Uige and Luan. The second phase (April 2000-January 2001) was to focus on resettlement in the provinces of Lunda Norte, Lunda Sul, Kwanza Norte and Huila.

38. At the international level, the United Nations Unit for the Coordination of Humanitarian Assistance in Angola (UCAH) (as it was known until March 2000 after which it became part of OCHA) is the main coordinating body for humanitarian assistance. It operates at the national and

provincial levels with a number of field advisers in the provinces. UCAH was initially established in 1993 as a temporary mechanism. Its mandate was repeatedly extended as a result of the prolongation of the emergency situation and also the limited capacity of MINARS to take charge of coordination responsibilities.

39. According to one report, a major impediment to coordination in Angola has been the minor role central government institutions have played in the coordination of humanitarian assistance.[14] While MINARS should in principle have led the coordination process in conjunction with UCAH, in practice the Government tended to rely on the international community for relief assistance and consequently UCAH assumed the lead coordinating role. At the same time, it was reported that MINARS opposed the lead role of UCAH, partly because it was deliberately established outside government institutions in order to remain neutral and thus be able to dialogue with UNITA on humanitarian issues. A review of United Nations strategic coordination, undertaken in November 1999, found that, at the national level, the HCG "has never been firmly established, has met only irregularly, and some of its sub-groups have not met at all".[15] Furthermore, recommendations emanating from the HCG have not been followed up by concrete measures on the ground; and competition between different government ministries and a lack of clear agreement on the role of UCAH has prevented coherent coordination by the co-chairs of the HCG. Overall, the HCG "has proven ineffective".

40. Coordination problems between the Government and United Nations agencies have been further compounded by problems of coordination and leadership on the part of United Nations agencies themselves. According to the review of strategic coordination, agencies readily conceded that they were not fulfilling their lead roles in their respective sectors of competence and mandate. This resulted in NGO implementing partners undertaking assistance activities on the basis of a range of diverse standards and without strategic guidance from the United Nations, in particular in the nutrition, food security and health sectors. NGO representatives, both in Luanda and in the field, reportedly insisted on the need for guidance from the United Nations on cross-sectoral issues. In the absence of clear and concrete guidelines provided by the United Nations, it was noted that instances would increase of NGOs being drawn into activities that violate humanitarian standards, such as the concentration of displaced persons in transit centres under unacceptable conditions, and the resettlement of displaced persons without their consent and with inadequate preparation. Part of the problem in this regard was the lack of sufficient numbers of United Nations personnel on the ground, making it difficult for agencies to ensure adequate information gathering and monitoring and to establish effective and coherent United Nations leadership in the field.

41. The inter-agency mission of March 2000 recognized a need to strengthen the coordination of humanitarian activities within the United Nations, as well as with other organizations and the Government. The mission recommended that coordination mechanisms be established and/or strengthened in order to discharge coordination functions effectively at the national and provincial levels. Noting the existence of the national and provincial HCGs and Sub-Groups on Displaced Persons and Refugees, the mission recommended that United Nations agencies and other participating organizations "commit to dynamic participation" in these bodies as a way to engage the Government in the humanitarian response.

II. MEASURES TAKEN TO AMELIORATE THE SITUATION

42. While acknowledging the "serious efforts" undertaken by the humanitarian community to address the needs of the displaced and war-affected populations in Angola, the inter-agency mission noted that serious gaps existed in the planning, delivery and monitoring of the humanitarian response, which, in turn, were compounded by objective constraints such as the nature of the crisis, the vast territory and the lack of safe and unhindered access to affected populations. In order to address these gaps and enhance the humanitarian response, the inter-agency mission recommended, inter alia, that an OCHA-led rapid assessment of critical needs be undertaken in accessible areas throughout the country to promote the execution of an immediate focused response, on the basis of existing capacity.

A. Rapid assessment of critical needs

43. For populations in acute distress, the rapid assessment recommended that very specific emergency interventions be taken immediately so as to bring the affected groups "back from the brink of disaster". For populations whose coping mechanisms are stretched, the assessment recommended emergency interventions aimed at stabilizing their conditions and preventing further deterioration. In addition, the assessment compiled a list of 17 overriding recommendations for interventions in regard to agriculture and food security, health and nutrition, resettlement and shelter, water and sanitation, mine action, protection and education, and facilitation of humanitarian assistance.

B. Plans of emergency action

44. Following the rapid assessment, a technical working group composed of seven ministries and departments, United Nations agencies and NGOs was formed in May under the leadership of MINARS to develop a national plan of emergency action, which was finalized in July 2000. The purpose of the plan was to agree on the concrete actions that would be taken to implement the 17 recommendations of the rapid assessment.

45. The national Plan formed the basis for provincial Plans of Emergency Action, developed in September following a provincial planning workshop, convened by the Technical Unit for Coordination of Humanitarian Assistance (UTCAH) - a department within MINARS - and which brought over 90 government delegates and representatives of United Nations agencies and NGOs from all 18 provinces to Luanda for training in emergency planning. The provincial Plans of Emergency Action outline steps for each sector in accordance with humanitarian needs and local circumstances. The priorities outlined in the provincial plans have been used in developing sectoral strategies and projects for the 2001 CAP. The provincial plans will also act as a conduit for government funds provided under the National Programme for Emergency Humanitarian Assistance.

C. Minimum Operational Standards for Resettlement

46. Among the 17 recommendations of the rapid assessment was the need for agreement between international agencies and the Government on minimum operational standards for the

resettlement of displaced persons to ensure that relocation was undertaken in an appropriate manner which fully respected their rights and dignity, which had not always been the case in the past. To this end, MINARS, in cooperation with OCHA, drafted minimum operational standards (MINOPS), based on the relevant provisions of the Guiding Principles on Internal Displacement. The draft standards were discussed by United Nations agencies, NGOs, donors and government representatives and were formally adopted by the Council of Ministers in mid-October 2000 as norms on the resettlement of internally displaced persons.

47. Pursuant to the norms, responsibility for resettlement and return is invested in provincial governments, which will oversee the process through the Provincial Humanitarian Coordination Group (PHCG) and the reactivated Sub-Group on Displaced Persons and Refugees. The norms specify preconditions for resettlement and targets for post-relocation assistance and as such address issues concerning the identification of resettlement sites, including the participation of the displaced community therein; and the security of sites, in terms of being verified as mine free, responsibility for which rests with the National Institute for the Removal of Landmines and Unexploded Ordnance (INAROEE), and verified by the relevant defence and security organs as secure. The norms also provide for the voluntary nature of the resettlement process, involving all interested parties and beneficiaries in the planning and management of the relocation. State administration must be extended to resettlement or return sites, and health and education personnel will be supported, including through the provision of appropriate medical and teaching supplies, by the relevant government ministries. The authorities will work with humanitarian agencies to ensure the availability of water points in sufficient quantity and quality and to provide adequate sanitation. The displaced will be provided with seeds and tools and with food rations for a period to be determined. Preparation of resettlement sites will be supported through food-for-work projects. Finally, the PHCG will carry out regular assessments of the resettlement process.

III. THE MISSION AND ITS FINDINGS

48. Overall, the Representative found a definite improvement in the situation of the internally displaced in terms of the national and international response to their plight. At the same time, it was apparent that a number of serious ongoing humanitarian and, in particular, protection concerns needed to be addressed.

A. Positive results of the post-April response

49. The rapid assessment appears to have been something of a watershed for facilitating a more coordinated response to the displacement crisis in Angola. The assessment itself was coordinated under the leadership of the Government and the Humanitarian Coordinator and conducted by 14 joint government, United Nations and NGO teams. The resulting Plan of Action is said by the Government to signal its intention to channel more resources into humanitarian assistance and to play a leading role in coordination. Under the provincial Plans of Emergency Action, provincial governors are to assign sectoral responsibility. It is to be hoped that improved coordination will be facilitated by the reactivation of the Sub-Group on Refugees and Displaced Persons, which, as indicated, has been assigned a key role in the implementation of the norms on resettlement.

50. The norms themselves are a particularly welcome and timely development in view of the Government's increasing emphasis on the resettlement of displaced populations, though problems persist, as discussed below. With the onset of the dry season in April 2000, the Government proposed wide-scale resettlement of displaced populations. The Ministry of Territorial Administration requested provincial governments in Bengo, Huila, Huambo, Cuando Cubango, Malanje, Moxico, Bié, Lunda Sul and Luanda to develop plans for the temporary resettlement and return of displaced populations. In some provinces, however, the sites proposed for resettlement were located outside security perimeters or next to minefields. In addition, international agencies and organizations were excluded from the planning process in many provinces and there were concerns that displaced populations were being used by the Government as part of its political and military strategy.

51. The development of the norms was a fundamental component of a more appropriate response, to respect the safety and dignity of the displaced. Even before their formal adoption by the Council of Ministers in October 2000, the draft minimum standards were reportedly used as the de facto frame of reference by government officials and humanitarian organizations at the provincial level. They were also widely used in the preparation of the provincial Plans of Emergency Action in September. During 2001, the Government plans to relocate large numbers of displaced persons on the basis of the new norms. Estimates of the numbers involved range from 500,000 to up to 1 million. Whatever the eventual figure, effective implementation of the norms on resettlement, and monitoring, will be key to the whole process.

52. In this connection, the Representative strongly supports the suggestion of OCHA that the Government, in cooperation with United Nations agencies and NGOs, develop standard operating procedures in regard to the technical aspects of resettlement, so as to ensure uniform implementation of the norms throughout the country. The draft MINOPS contained quite specific technical provisions concerning, for example, the maximum number of displaced persons to be served by a given water point, health post and the like. Apparently, as a result of formal drafting requirements, such technical details were eliminated from the norms as adopted by the Council of Ministers. However, pursuant to article 2 of the decree by which the norms were adopted, doubts and omissions resulting from the interpretation and enforcement of the norms are to be resolved through ministerial proclamations issued by MINARS. Within the context of this provision, MINARS is encouraged, in cooperation with international agencies, to draft operating procedures reflecting the technical aspects provided for in the draft MINOPS. It would also be useful if article 2 of the decree could be resorted to in the event of conflicting security assessments of specific sites by the authorities and humanitarian organizations. In this connection, it is regrettable that the norms provide only that humanitarian organizations "may" rather than "shall" be invited to assess security conditions at resettlement sites.

53. Possibly the most visible result of the efforts taken to ameliorate the situation of the internally displaced was the closure of 22 of the infamous transit centres in Huambo, Uige, Zaire and Cuando Cubango provinces and the relocation of the residents to improved sites with access to agricultural land. The process, however, raised various concerns. In some areas, such as Huambo and Huila, provincial governments took unilateral steps without notifying

United Nations agencies, NGOs or the displaced, resulting in problems during the relocation and at the resettlement sites, where inadequate preparations resulted in the displaced being without shelter, sanitation or water.

54. According to the United Nations, problems in closing remaining centres revolve around the need to ensure that resettlement is undertaken on the basis of the norms and the availability of land. In a number of locations, the absence of land within security perimeters has prompted some provincial governors to consider resettlement options outside the security perimeters where agricultural land is available. The Representative stresses the fundamental need to ensure the safety and security of the displaced and that, to the extent that resettlement is essential, it must be undertaken within security perimeters and in full accordance with the norms on resettlement.

55. According to the 2001 CAP, the most notable success during 2000 was achieved in the food sector, with around 10 per cent of the population, the majority of whom were internally displaced persons, receiving food assistance from humanitarian organizations. As a direct result of this assistance, hunger was significantly reduced and hundreds of thousands of lives were saved among people who had no other access to food. Also, high rates of severe and moderate malnutrition among the displaced and other war-affected groups were significantly reduced as a result of coordinated interventions, good harvests and improved access to markets and land. In this connection, a nationwide agricultural campaign was launched by international and national NGOs under the leadership of MINADER and the Food and Agriculture Organization of the United Nations. Approximately 368,000 families were scheduled to receive seeds and tools and some 175,000 to benefit from land redistributions.

56. Significant efforts have also been undertaken to eradicate polio and childhood diseases. The Government and humanitarian agencies worked together to reach an estimated 3 million children from displaced and resident populations during three rounds of national immunization days. These days were restricted to government controlled territory only and in this regard the Representative suggests that the Government consider the possibility of allowing international agencies to extend vaccination coverage to UNITA-held areas, assuming that adequate security guarantees can be obtained. The Government also launched a roll back malaria campaign in an attempt to reduce the incidence of this disease.

B. Ongoing humanitarian concerns

57. While a number of positive measures have been taken to improve the humanitarian response and the situation of the displaced, the Representative's visits to the field revealed that coordination often is not effective on the ground and that the prevailing climate of insecurity, characterized by armed attacks on civilians, acts of banditry, and the extensive presence and continued use of landmines, further constrain humanitarian action, which for all intents and purposes is limited to provincial capitals and certain towns.

58. Although the view was expressed by a senior government official and a representative of the donor community that humanitarian organizations should take more risks in order to increase their access to those in need, this is not a view with which the Representative concurs. Rather, given the problems of access in insecure areas, the Representative recommends that international

agencies and NGOs cooperate more fully with church groups and national and local NGOs which are able to operate in insecure areas and which have access to the displaced. It should be noted that the 2001 CAP acknowledges that resources should be channelled to national groups capable of reaching populations which are otherwise inaccessible to the international agencies and NGOs. During a meeting with local NGOs and church groups, the Representative was informed of their willingness to assume a greater role in the humanitarian response, with the support of the international community.

59. At the time of the Representative's mission and in the light of the extension of State administration throughout the country, United Nations agencies had identified 51 sites for future assessment. The majority of these sites have small security perimeters, limiting free movement, trade, agriculture and resettlement options. Logistical and security constraints in these areas are expected to limit operations to 20 per cent of the assessed sites.

60. Humanitarian access and assistance are also severely constrained by logistical problems. Although, during the course of 2000, six major road corridors were opened, elsewhere throughout the country much of the infrastructure is destroyed or in a state of disrepair and road access is severely limited by insecurity. In addition, UNITA has been deliberately destroying bridges and targeting main surface routes with landmines.

61. In the absence of effective surface routes, there is a continued reliance on air transport for humanitarian personnel and assistance, as currently provided by WFP. Although the Government waives airport charges and provides subsidized fuel for WFP aircraft, as well as those of the International Committee of the Red Cross (ICRC), air transportation remains expensive and limited in capacity. As noted earlier, the Representative was informed that requests for additional aircraft have been made in the 2001 CAP, though such requests have been denied in the past.

62. An additional problem is that airstrips in places such as Kuito, which is almost entirely dependent on air support, remain in urgent need of repair. The rapid assessment recommended the immediate repair of the airstrip at Kuito but, at the time of the Representative's visit, it was quite apparent that no repair work had been undertaken. The responsibility for such work rests with the Ministry of Public Works, which, at the time of the Representative's mission, had failed to release the necessary funds. Indeed, there were concerns that it might be too late as it was critical that repair work be undertaken before the onset of the rainy season in November.

63. Humanitarian operations in Angola are also constrained by reductions in donor support. The Representative was informed that owing to the protracted security situation throughout the country and in order to discourage the Government's reliance on the international community to provide the bulk of the assistance to the displaced, donor countries were reducing funding for humanitarian operations. The 2000 CAP included 29 projects totalling US$ 258,515,854. In June 2000, during the preparation of the mid-term review of the CAP, agencies agreed to streamline their funding requests, resulting in 14 projects being dropped and a revised total for the mid-term review of US$ 148,993,632. At the time of the Representative's mission, approximately 50 per cent of these revised requirements had been funded. Three of the 15 projects in the mid-term review received no funding. Projects relating to security,

coordination and support services received 70.4 per cent of requirements. Projects addressing nutrition, health, water, sanitation, relief, survival and resettlement received 39 per cent; and education and protection remained the most underfunded sectors, with only 37 per cent of requirements met.

64. Because of insufficient funding for food aid programmes, WFP has been forced to reduce the number of beneficiaries receiving direct food assistance, some of the potential consequences of which are discussed below. Insufficient funding for the OCHA Emergency Relief Fund has inhibited the Organization's capacity to support implementing partners in meeting the acute emergency needs identified in the rapid assessment; and lack of adequate funding threatened the UNICEF supply pipeline for vaccines and hampered the extension of its mother and child health-care services and its roll back malaria campaign. With regard to the latter, it should be noted that malaria is the leading cause of child mortality in Angola.

65. Yet, the donors' desire to reduce the Government's reliance on the international community is understandable. The Government has in the past, and for reasons related to the collapse of consecutive peace agreements, tended to consider the responsibility of providing assistance to its displaced and war-affected population as resting with the United Nations. It has since shown an increased commitment to emergency assistance, starting with the establishment of the Inter-Ministerial Commission on the Humanitarian Situation in July 1999 and the elaboration by that Commission of the National Programme for Emergency Humanitarian Assistance. However, the inter-agency mission of March 2000 noted that the scale and scope of assistance delivered under the National Programme was yet to be clearly determined. More recent sources indicate that the US$ 55 million allocated under the first phase of the National Programme was not spent and that in excess of US$ 34 million remains, though only US$ 17 million of this was rolled into the budget for 2000, making overall expenditure less than originally claimed.

66. Donors are said to feel strongly that the international community should not be expected to provide unlimited assistance and that the Government must assume greater responsibility by reallocating funds towards the social and emergency sectors. Such a view is increasingly convincing given high oil prices, from which the Government gains a substantial proportion of its revenues. Also, the changing military situation in the country, with a move away from conventional warfare to counter-insurgency strategies, should allow for reduced military spending and the redirection of funds to the humanitarian effort - though the Representative was informed by one senior government official that funds freed by any reductions in military spending would be used to expedite payments on debts accrued through government investment in the oil industry. The need to repay such debts notwithstanding, the Representative strongly recommends that the Government commit additional resources to the humanitarian effort, not least because a greater and more visible commitment on its part may prompt a similar response from donors.

67. Another aspect of the funding situation which should be considered is the tendency of some donors to fund projects in certain provinces and not others, resulting in disparities in humanitarian programming. For example, there appears to be a preference on the part of donors to fund programmes in the provinces of Huambo and Bié. The reasoning behind this was not

entirely clear, although some suggested that donors favour activities in areas where the security situation is relatively stable and programmes will have a chance of succeeding. Others argued that it may reflect broader political motives - an effort to win the hearts and minds of the population in areas that were formerly UNITA strongholds. Irrespective of the reasoning, the problem inherent in this approach is that the acute needs of displaced populations in areas which are accessible to humanitarian agencies, such as in the provinces of Moxico and Lunda Sul, where immediate humanitarian needs are extensive, are not addressed in a comprehensive manner.

68. For example, during a visit to Luena, in Moxico province, the Representative was informed that due to lack of funding there were insufficient NGOs working in the area despite the complexity of the humanitarian situation and the number of displaced and war-affected persons. There was no water supply system in Luena and no plans to install one. There was at the time of the visit a serious shortage of non-food items in the province, thus limiting the assistance which could be offered to newly arrived displaced persons. There was a serious lack of adequate shelter due to limited building materials and the presence of minefields. In this connection, the Representative noted the urgent need to reinforce demining activities in the city and its outskirts to create space for resettlement and agricultural activities. Despite all these pressing needs, however, the Representative was informed that there were inadequate financial resources to deal with the current emergency. Moreover, two major donors had reduced their funding in this region.

69. While coordination mechanisms exist at the national and provincial levels, there appear to be problems with their effective implementation which may have direct and indirect repercussions for the internally displaced. At the national level, concerns were raised pertaining to coordination problems within the Government. Although the establishment of the Inter-Ministerial Commission on the Humanitarian Situation was a welcome step demonstrating increased governmental commitment to addressing the humanitarian situation, it has not been without its problems. Concerns were expressed over the increasingly unclear role of MINARS, which should be the focal point for the coordination of the humanitarian response. The Representative was informed that MINARS had been increasingly marginalized, receiving fewer funds and forced to send all emergency legislation through the Inter-Ministerial Commission. This is further complicated by the appointment of the Minister of Planning as the chair of the Inter-Ministerial Commission and the apparent reluctance of her Ministry to assume full responsibility for emergency assistance. Meanwhile, the Ministry of Territorial Administration is seeking an increased role in resettlement, given the role of the provincial governors in the process. Coordination between these three ministries has been described as complicated and uneven and as giving rise to problems for the United Nations in being able to advocate policies effectively with the Government. There is an obvious need for effective coordination within the Government and with the United Nations and NGOs. To this end, the Representative urges the reinvigoration of the national Humanitarian Coordination Group, which is supposed to bring all relevant governmental and international actors together on a monthly basis but which has seemingly met only once since April 2000.

70. The Representative's visits to the field revealed a number of problems in terms of the effective implementation of coordination arrangements at the provincial level. While the

examples given below may appear rather insignificant against the backdrop of the magnitude of problems facing the humanitarian operation in Angola, it must be underscored that for the individuals affected, the difference between having and not having access to essential medicines or to receiving and not receiving needed food assistance can have a significant impact on the quality of their lives.

71. During the visit to the Sacassange resettlement site in Moxico province, which consists of three separate sites - Bundas, Lutume and Luchazes - the Representative found that the health post at Luchazes was not functioning because it lacked a door and windows and was therefore not considered suitably secure to receive supplies of essential medicines which were otherwise available from an international NGO, the International Medical Corps (IMC). Further inquiries revealed that the windows and doors were missing not because of a lack of money to pay for them but simply because a carpenter was unavailable. While not seeking to underestimate the problems involved in achieving what might otherwise be a straightforward task, the case was of particular note because a mobile clinic operated by a local church group and supported by UNICEF and IMC which, according to OCHA and UNICEF, visited all three sites at Sacassange three times a week, was in fact found to be visiting Lutume only. Thus, over 2,700 displaced persons at Luchazes had no access to health facilities. In addition, almost 4,000 displaced persons at Bundas also lacked access to health facilities as the health post there was under construction. The Representative was subsequently informed that steps would be taken by UNICEF and IMC to remedy the situation and OCHA has been following up with the local administration to ensure the completion of the health posts.

72. In a camp at Catabola, in the province of Bié, the Representative found that the failure of the local authorities and United Nations agencies to facilitate the registration of the internally displaced on arrival at the camp had resulted in their going without food assistance as well as shelter materials and other non-food items for several months. The registration system operates along the following lines. The local administration informs the provincial representative of MINARS that newly displaced persons have arrived. MINARS then travels to the area to register the displaced. The registration list is passed to humanitarian organizations (usually WFP or OCHA) for inclusion of the displaced persons concerned on beneficiary lists. Also, a joint team consisting of MINARS and a United Nations agency verifies that the persons on the list are genuinely newly displaced.

73. In the case of Catabola the whole process had foundered from the very beginning because MINARS had not undertaken the initial registration of displaced persons at the time of their arrival. The reason given for this was that the MINARS representative lacked the means to travel to the camp to undertake the registration. While this clearly raises questions in regard to the logistical capacity of MINARS at the provincial level, as well as the resolve of the provincial and/or national authorities to enhance that capacity, it also raises serious questions as to the extent of cooperation and coordination between the provincial authorities and United Nations agencies in the province. A provincial coordination structure exists which provides forums for the exchange of information on the humanitarian situation between MINARS and United Nations agencies, for example, the Provincial Humanitarian Coordination Group, which is supposed to identify gaps in humanitarian coverage and take appropriate decisions to respond thereto. There is also a Technical Working Group on Internally Displaced Persons which meets

weekly under the co-chairmanship of MINARS and OCHA to discuss the situation of internally displaced persons in the camps in the province. Despite these structures, WFP informed the Representative that although the displaced arrived at Catabola in the summer, it did not receive information on their arrival until 24 October. Verification was completed by 27 October and food distributed three days later. But having gone without food assistance as well as shelter materials and other non-food items for several months the displaced became increasingly impoverished and vulnerable.

74. Also in connection with coordination, the Representative was informed during the visit to Bié province that owing to insufficient funding from donors, WFP had been forced to adopt a new food aid strategy (to take effect from April/May 2001) and to move from general food distributions to targeted distributions and increased reliance on food-for-work projects and an expanded system of safety nets such as supplementary and therapeutic feeding centres for malnourished people. While it is important to ensure that the displaced do not become dependent on food distributions when viable alternatives are available, concerns were expressed by other humanitarian organizations as to the criteria on which targeting would be based, the fear being that vulnerable persons may not receive food distributions on which they depend. It is to be hoped that the existence of the Luanda based Vulnerability Assessment and Monitoring Working Group, composed of the Government, United Nations agencies and NGOs, will serve to alleviate such concerns.

75. The Representative also noted concerns that these reductions were forced on WFP by donors at a time when significant increases in admissions of moderately malnourished displaced and resident children to supplementary feeding centres were being recorded in the provinces of Bié and Huambo and possibly elsewhere. In this regard, the Representative was concerned at the results of a survey undertaken in Huambo by Save the Children (UK) in October in the light of the proposals to replace general food distributions with food-for-work and an expanded system of safety nets.[16] In short, the survey raises concerns over the practical effect of developing food-for-work projects for any more than a small proportion of the population of Huambo (displaced and resident alike) who are vulnerable to food insecurity. The survey found that reductions in general food distributions were expected to increase the market price of staple foods, meaning that displaced and resident populations would be able to afford less food, which in turn was expected to result in an increase in already high malnutrition rates. Moreover, difficulties are foreseen by Save the Children (UK) in adequately managing a potentially large increase in the caseload of malnourished children.

76. The Representative's visit to the province of Huambo in many respects provided a cross-section of the problems and prospects facing the internally displaced. In the transit centre at Caminhos de Ferro de Benguela (CFB), in the town of Caala, the remaining internally displaced were living in appalling conditions, in a derelict building and in and underneath two train carriages. The Representative was struck by the overriding sense of despair and depression amongst the displaced. Although health and food assistance was being provided by Médecins Sans Frontières and ICRC, the displaced lacked non-food items and there were inadequate water, sanitation and shelter facilities. While most of the displaced at this site had been resettled in August 2000, those remaining were reluctant to resettle as they had established coping mechanisms in the area and did not want to return to their place of origin, Cuima, because

of ongoing insecurity there. The Representative was informed that they subsequently expressed the desire to be resettled and on two occasions international agencies identified suitable relocation sites only to have them withdrawn at the last moment and without explanation by the provincial governor. In view of the urgent need to resettle those displaced at CFB, the authorities should provide adequate and public justification for their retraction of previous resettlement options and should find a suitable alternative resettlement site.

77. The Representative raised the case of CFB with the Minister for Social Assistance and Reintegration, who agreed to have the population there resettled within 30 days. Since returning from Angola, the Representative has written to the Minister requesting information as to the progress which has been made in this regard. The Representative underlines the importance of ensuring that the resettlement of this group and indeed of all displaced populations be undertaken in full conformity with the norms on resettlement, including full consultations with displaced communities and the allocation of sufficient and safe agricultural land within security perimeters.

78. The situation at CFB stood in contrast to that witnessed by the Representative at the resettlement area of Cantao Pahula. The displaced there were part of the population which had been resettled from the 15 transit centres in Caala in August. Although the provincial authorities failed to coordinate the relocation with United Nations agencies, it has nonetheless dramatically improved the conditions of the displaced. Indeed, whereas the Representative had been struck by the appalling conditions and despair exhibited at CFB, by contrast he was struck by the welcome he received at Cantao Pahula, where the displaced articulated their needs for non-food items and seeds, in time for the planting season.

79. This in turn stood in contrast to the Representative's visit to the resettlement area at Lepi, where the displaced were in the process of completing the construction of dwellings which were decent, where there were integrated health, water and sanitation services, a school and health facilities and where the displaced went about their business with little or no concern for the Representative's visit. The project at Lepi was funded from the OCHA Emergency Relief Fund, with assistance provided by WFP through food-for-work, and was implemented by a national NGO, OIKOS. Given the relatively modest cost of the project (US$ 67,000), projects such as this should be replicated elsewhere. However, in so doing, it is essential that attention be paid in particular to the security of resettlement sites.

C. Ongoing protection concerns

80. The Representative was seriously concerned at the lack of effective protection accorded to the physical security and human rights of the displaced, as well as the civilian population which is prone to becoming displaced through the actions of both UNITA and government forces.

81. Although the Government is said to control over 90 per cent of the country, UNITA is still able to operate effectively as a guerrilla force and is exacting a heavy price on the civilian population. The Representative was informed that UNITA retains de facto control of rural areas by forcibly displacing the civilian population through attacks on, and destruction of, villages, looting foodstuffs and possessions, and killing, abducting and raping civilians, including

children. There are also disturbing reports of UNITA resorting to increasingly cruel measures against the civilian population, for example hacking off limbs with machetes so as to remind the victims of their experience and to prevent them from joining the ranks of government troops.[17] Accounts from displaced persons suggest that FAA troops lack the training, discipline and capacity to prevent such attacks.

82. Displacement results from civilians fleeing their villages as a result of, or in order to avoid, such practices as those above. Often the displaced will spend several days hiding in the bush before attempting to move to safer locations such as major towns or provincial capitals. Displacement also results from civilians being deliberately forced from their homes and having to carry the very items which have been looted from them. It also results from families fleeing or sending their children to government controlled areas in an effort to protect them from forced recruitment by UNITA. The Representative was particularly alarmed by reports that children are being abducted and traded by UNITA to work as forced labour in salt mines in Malanje province. Local NGOs and church groups who may have access to salt mines are encouraged to collect additional and more detailed information which should be brought to the attention of the national authorities and the international community.

83. Displacement of the civilian population is also reported to result from the FAA "mopping up" and counter-insurgency operations, which are expected to increase in intensity. Reports indicate that FAA troops employ many of the same tactics as UNITA, such as looting villages and forcing the inhabitants to carry the food and other possessions which have been looted from them. Accounts from internally displaced persons suggest that villagers who refuse to comply with such demands risk being beaten or killed. The Representative was informed on a number of occasions that part of the problem in this regard is that the FAA troops often receive neither their salaries nor sufficient supplies and are thus inclined to prey on the local population. A senior government official readily conceded to the Representative that this was a problem. In an effort to prevent such practices, the Government needs to ensure that its military personnel receive regular salary payments and supplies of food and basic equipment.

84. The Representative was informed of incidents of harassment of displaced persons, in particular of those who have been displaced from UNITA-controlled areas, largely because they lack formal identity documents. It was noted that lack of such documents also limits access to education, health facilities and employment. The Government should take the necessary steps to issue to all internally displaced persons all documents necessary for the enjoyment and exercise of their legal rights. In particular, the authorities should facilitate the issuance of new documents or the replacement of documents lost in the course of displacement.

85. Reports were also received concerning the theft from internally displaced persons of food and non-food items by UNITA, as well as the FAA and national police. It was reported that such thefts are systematic, typically occurring after food distributions by international agencies and NGOs. The Representative was informed of incidents of rape and violence against displaced persons in camps, perpetrated by members of the national police, as well as incidents of forced recruitment, including of children. Serious concerns were noted in regard to the relocation of

camps for the displaced by the provincial authorities in inappropriate areas, including in mined areas and outside security perimeters and along strategic routes, raising concerns as to the possible use of the displaced as human shields.

86. During his visits to the provinces, the Representative was struck by the fact that there were few adolescents among the displaced. He was informed that for the most part adolescents have left the camps in rural areas in search of a better life in the provincial or national capital. Indeed, in Luanda the Representative saw large numbers of displaced adolescents eking out a precarious existence by selling all manner of goods in the streets or by begging. The Representative was informed that many adolescent girls in the capital have had to resort to prostitution in order to survive, putting themselves at grave risk of abuse and disease. The Representative was also concerned about the level of education offered to displaced children. While some efforts have been made to provide schooling to displaced children in camps, these did not extend past primary level education. The lack of secondary education may in part account for the propensity of displaced adolescents to head to urban centres to join the ever-increasing ranks of street children.

87. The magnitude of protection problems in Angola is seriously compounded by the absence of effective remedies to address such problems. Less than 5 per cent of Angolan municipalities have a fully functioning justice system. A senior government official readily conceded to the Representative that, to the extent that justice existed, it was only in Luanda. By the same token, the Representative was informed by the Attorney-General that his office is operational in all provinces throughout Angola and, indeed, provincial courts are occasionally known to solve problems. However, rural areas and camps for the displaced are underserved, leaving the resident and displaced populations in these areas outside the scope of State protection structures and with little recourse against the military and police personnel who are supposed to be protecting them. The Representative was informed that where international organizations and NGOs bring protection concerns to the attention of the military and provincial authorities, little or no remedy is provided.

88. The Representative strongly emphasizes the urgent and compelling need for a more focused and active approach to protection by both the Government and the international community. Greater efforts should be taken to train the military and police on the human rights of the internally displaced, as well as of the civilian population in general. The Representative welcomes the efforts which are being taken to this end by the Human Rights Division of the United Nations Office in Angola (UNOA) and by ICRC and recommends that such efforts be expanded in terms of the numbers of military and police personnel reached. The Representative also requests that the Human Rights Division and ICRC consider expanding training programmes to include training on the Guiding Principles on Internal Displacement. In this regard, the Representative welcomes the convening in August 2000 by the Norwegian Refugee Council of a training workshop on the Guiding Principles aimed at police and military personnel, amongst others; and a similar initiative undertaken by the Office of the United Nations High Commissioner for Refugees (UNHCR).

89. To enhance the protection accorded to the displaced, the Government is encouraged, in cooperation with the international community, to develop and adopt national legislation which

clearly articulates the rights of the displaced and the obligations towards them of the national authorities, including the police and military, and other actors such as UNITA. As in the case of the norms for resettlement, the Guiding Principles would be instructive for the development of such legislation, which should also include provision for monitoring machinery. In the meantime, efforts need to be undertaken to raise awareness among the displaced of their human rights, as restated in the Guiding Principles. To this end, wide dissemination of the Principles among local NGOs, church groups and displaced communities is essential. In this regard, while the Guiding Principles are available in Portuguese, it may also be useful to facilitate their translation into local languages such as Umbundu and Kimbundu. Local NGOs and church groups are encouraged to undertake such efforts, with the assistance of the national authorities and/or international agencies and NGOs.

90. Serious efforts need to be undertaken to build the national and provincial capacity to prevent and address protection problems. There is an urgent need for effective disciplinary and criminal proceedings against those military and police personnel who perpetrate violations against the displaced, both to offer redress to those whose rights have been violated and to ensure accountability and thereby prevent a sense of impunity among military and police personnel. The Representative was informed by a representative of the Ministry of Justice that it was formulating a policy to ensure the accountability of military and police personnel for their actions. The Representative urged that this policy be finalized as soon as possible and that the requisite human and financial resources be provided to make it effective on the ground. The Representative also suggested to the Attorney-General that the staff of his office based in the provinces visit settlements of displaced persons, collect testimony and information on human rights violations and instigate criminal proceedings against those responsible.

91. Conscious of the lack of judicial capacity at the provincial and municipal levels, the Representative considers it unfortunate that a project to provide much-needed support to the municipal justice system was excluded from the final submission of the 2001 CAP. Formulated by the UNOA Human Rights Division, UNICEF and, in its earlier stages, UNDP, the project was intended to make 10 municipal courts operational within a 12-month period and would likely have made a significant contribution to addressing some of the above-mentioned concerns. The Representative proposes that the UNOA Human Rights Division and UNICEF, in cooperation with the Government, consider seeking funds for the project from outside the CAP, for example within the framework of a technical cooperation project with the Office of the High Commissioner for Human Rights (OHCHR).

92. In the absence of effective national and provincial capacity to address and prevent protection problems, it is imperative that the international community enhance its role. In particular, the Representative notes the need for strong and clear leadership in protection and in this regard recalls the Supplementary Guidance to Resident/Humanitarian Coordinators, adopted by the Inter-Agency Standing Committee (IASC) in April 2000, which ascribes to the Humanitarian Coordinator responsibility for the strategic coordination of the United Nations response to the protection and assistance needs of the internally displaced and, taking into account the contribution of all relevant partners on the ground, ensuring that gaps in the response to internally displaced persons are systematically addressed.

93. As a possible first step the Humanitarian Coordinator is encouraged to convene a brainstorming session on protection, to be attended by all relevant members of the humanitarian community, using the IASC policy paper on protection of internally displaced persons as the basis for initial discussions and strategy formulation.

94. It is also recommended that serious consideration be given to the despatch of an inter-agency mission to Angola to assist the Humanitarian Coordinator and the United Nations country team to undertake a thorough assessment of protection issues and identify appropriate protection and prevention strategies. Given the gravity of the situation, it is imperative that the mission be composed of persons specialized in protection issues, including, if necessary, expert consultants from outside the United Nations system. The Representative notes that the above-mentioned Supplementary Guidance provides that in addressing gaps in the response to the internally displaced and in developing the country team's response to internal displacement, the Humanitarian Coordinator may call upon the Emergency Relief Coordinator and IASC to make available expertise in the form of specialized inter-agency missions. The Representative strongly encourages the Humanitarian Coordinator to request such a mission.

95. To supplement this, the Representative strongly recommends that the forthcoming mission to Angola by the Senior Inter-Agency Network on Internal Displacement give due focus to protection issues and strategies for response and prevention, including by ensuring that members of the mission have sufficient expertise in protection work.

96. The Representative recommends that particular emphasis be given to enhancing the international protection presence in the provinces to ensure effective monitoring, reporting and follow-up on violations of the rights of the internally displaced. It is submitted that an enhanced international presence, especially in and around camps for the displaced, may also exercise a deterrent effect, in particular with regard to abuses committed by the FAA or police.

97. A number of steps could be taken to enhance the international protection presence. Where necessary, training of field-based staff of international agencies and NGOs in identifying and raising protection issues should be undertaken. The Guiding Principles would provide a useful frame of reference and additional guidance could be sought from the Handbook for Applying the Guiding Principles and the Manual on Field Practice in Internal Displacement, both published by OCHA in 1999. Agencies and NGOs should also consider revising, if necessary, the design, placement and content of relief activities so as to deter human rights abuses. As noted above, theft of food and non-food items reportedly occurs after the distribution of such items by the United Nations agencies and NGOs. Consideration might be given to ways in which distribution of relief supplies could be coupled with a concerted international presence in the camps and settlements for the displaced in the days following distribution, when such thefts occur.

98. As well as receiving training in protection issues, field-based staff should be encouraged to raise protection concerns with the authorities. In those instances where there are reasonable grounds for believing that such efforts will compromise staff security or operations, the relevant information should be brought without delay to the attention of actors in the national capital, in particular the Humanitarian Coordinator or heads of agencies who may have more freedom to act or to actors at the international level, such as the Emergency Relief Coordinator, IASC, the Representative and/or,

depending on the nature of the protection problem, the other thematic special procedures of the Commission on Human Rights, as well as the relevant United Nations human rights treaty bodies.

99. The Representative was encouraged by the intention of the Human Rights Division of UNOA to create partnerships with NGOs in the provinces in an effort to enhance protection activities, as well as the initiative to assign some of the UNOA national administrative staff to substantive work for which they would be able to travel outside of Luanda. Although the Representative is aware of resource constraints, he nonetheless recommends that serious consideration be given to expanding the Human Rights Division's capacity and presence throughout the country.

100. In view of its comparative advantage in protection, UNHCR is encouraged to further examine possibilities for an enhanced presence and to contribute to the development of nationwide inter-agency protection strategies in regard to internally displaced persons.

101. Given the need for protection in the provinces in particular, the Representative suggests that consideration be given to the establishment of a protection working group within each province which should meet on a regular - weekly - basis and focus on the specific protection problems in the province and identify solutions thereto, including preventive measures.[18] Composed of representatives of organizations with protection mandates, such as UNHCR, ICRC and the Human Rights Division of UNOA, operational United Nations agencies, area field security officers, representatives of local and international human rights organizations and humanitarian NGOs, the group could formulate an approach so as to identify and anticipate problems, develop specific strategies to avert them and consider contingency plans. The group should raise protection concerns with the provincial authorities, both civil and military. In view of the possible need for discretion on the part of some of its members, agreement could be reached within the group to channel such concerns through particular members of the group, unless a united front is considered more effective.

102. The provincial groups should be linked to a unit in Luanda consisting of a small protection strategy team composed of persons with extensive field experience and a strong protection orientation. This may be a particularly important aspect of the strategy, given that the organizations with a comparative advantage in protection, namely UNHCR and ICRC, are present only in a minority of Angola's provinces. The team could visit the provinces on a continuing basis, providing advice on and support to practical approaches to specific protection challenges in the field, drawing on knowledge of previous efforts elsewhere and discussing with field staff the possible adaptation of those strategies.

103. Finally, given the ever-increasing emphasis on resettlement of displaced populations, the Representative again stresses the importance of ensuring protection and security in the context of resettlement and, in this regard, the need for full and effective implementation of the norms on resettlement and applicable human rights standards. During the mission, the Representative was informed of a tension within the humanitarian community between the urgent need to resettle displaced populations, especially those who continue to reside in appalling conditions in transit centres, and the difficulties of guaranteeing the security of resettlement sites in the prevailing climate of guerrilla-style attacks and banditry. In particular, the Representative was alarmed to hear of a potential correlation between the resettlement of displaced populations and the location of guerrilla

attacks. On the night of the Representative's visit to Lepi, the town was attacked by a 20-strong group of UNITA combatants. The attack was put down in under two hours by the security forces, though not before one civilian was killed and five injured. This was the first reported security incident in Lepi in over six months.

104. Such incidents, as well as the view among agencies that the shift to guerrilla tactics will likely be stepped up in 2001, underline the overriding need for the Government and the international community to strike the right balance between the urgent "need" to resettle the displaced and the equally pressing need to accomplish this in a way that protects their security and human rights. In transit centres such as CFB at Caala there is clearly an urgent need to relocate the displaced from the appalling and inhuman conditions in which they currently reside. Indeed, it is important that the displaced be given land and the opportunity to provide for themselves; that they become self-reliant; that general food distributions be reduced and increasingly scarce funds allocated elsewhere; and that an atmosphere of stability and normality return to Angola. But the stability and normality should be real and must not come at the expense of the physical integrity and dignity of the displaced. Monitoring of the conditions in resettlement sites prior to and after resettlement, by the provincial authorities in collaboration with the aforementioned protection team could help to ensure the security of sites.

D. Landmines

105. Linked to the issue of protection is that of landmines. According to INAROEE there are between 6 and 7 million landmines spread throughout Angola, though other estimates are as high as 15 million. The provincial capitals of Huambo and Bié, as well as locations in the provinces of Benguela, Malanje, Moxico and Uige have the dubious distinction of being the most contaminated areas. From mid-1998 to January 2000, over 1,100 Angolans were killed or maimed by landmines or unexploded ordnance. The Representative was seriously concerned at the landmine situation throughout the country, which, in addition to posing an obvious danger to displaced and resident populations, gives rise to problems regarding access to displaced populations by international agencies and NGOs, as well as access of the internally displaced to land for resettlement and agricultural activities.

106. During the visit to the province of Bié, the Representative visited a displaced persons' camp at Cambandua, located in an area suspected of being contaminated with mines. HALO Trust, an NGO involved in mine action around the camp, informed the Representative that attempts had been made to discourage the displaced from settling in the area, but they had done so regardless, effectively demining the camp themselves through their day-to-day activities. It was fortunate that no mine incidents had occurred at the camp (though a mine had been found inside one of the dwellings), but the Representative was concerned that the displaced might be lulled into complacency with regard to warnings issued by mine action groups in regard to areas outside the camp.

107. While there are reports that both UNITA and the FAA continue to use landmines, it is estimated that some 75 per cent of mine accidents result from landmines laid during earlier phases of

the war, rather than since the resumption of hostilities in 1998. Nonetheless, the Representative recalls that in July 2000 the Angolan Parliament ratified the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Antipersonnel Mines and on their Destruction (the Ottawa Convention). During the mission there appeared to be some confusion over the precise date on which the treaty would enter into force in Angola. Suffice to say that the Representative strongly encourages the Government to complete the ratification process and to begin implementing the treaty without delay.

108. As well as increasing the dangers to the displaced and the population at large and posing problems for the future development of agricultural production throughout the country, the continued use of landmines is compounded by the absence of a systematic approach to mine action which needs to be addressed urgently. Part of the problem to date has been dispute over the role of INAROEE, which was established within MINARS to accommodate the preference of donors to fund civilian rather than military mine action. Difficulties have arisen, however, over the distinction between coordination of mine clearance activities and the actual demining, with donors preferring that INAROEE focus on coordination. Another problem is that landmine clearance and verification activities have not been fully coordinated with the planning and implementation of humanitarian programmes. Although INAROEE maintains a national landmine database, the data are shared primarily with mine action NGOs and have not been made sufficiently available to other humanitarian actors - despite the value of such information in planning and implementing humanitarian programmes.

109. The Representative was informed by members of the donor community that the landmine problem in Angola requires a comprehensive approach with an emphasis on educating the population on how to live with landmines, on the basis that widespread demining in Angola is not considered financially viable. According to one estimate, it can cost up to US$ 1,500 to clear one mine. Assuming that lasting peace is established, it is estimated that it would still take five years to bring the landmine situation under control.

110. A comprehensive approach to mine action is reflected in the 2001 CAP, although the extent to which the individual projects will achieve this will of course depend on donor response. The main goal is to ensure that mine action programmes are integrated into humanitarian operations. To this end, a number of government/United Nations/NGO projects are proposed, based on: information analysis and dissemination to provincial authorities, United Nations agencies and NGOs; mine clearance and demarcation; and mine awareness programmes to sensitize rural and urban populations to the danger of landmines and unexploded ordnance.

E. Possible scenarios with regard to the conflict

111. Throughout the mission it was apparent that there are two possible scenarios with regard to the future of the conflict and, therefore, the humanitarian and development situation in the country. On the one hand, there is the view that the Government controls over 90 per cent of the country and that its forces are close to overall victory. Consequently, the Government would be in a position to direct increased resources towards humanitarian and development efforts. Even assuming this to be

the situation, a decisive military victory is not likely to win the "hearts and minds" of UNITA supporters and thus national reconciliation will be slow in coming and may constitute a future source of instability.

112. The other, more likely scenario is that the current military situation will continue with the FAA maintaining military supremacy but engaged in a protracted guerrilla war with UNITA which will continue to have a destabilizing effect throughout the country, and in particular in the rural areas from which most of the displaced originate. Under such conditions, many of the humanitarian and protection problems outlined above are likely to continue. The quest for a comprehensive peace and national reconciliation, with which the Representative of the Secretary-General in Angola is clearly engaged, remains a matter of urgency.

IV. CONCLUSIONS AND RECOMMENDATIONS

113. Some tangible improvements have been made in regard to the situation of the internally displaced and in the national and international response to the problem. The Representative is encouraged by the steps taken by the Government to improve institutional arrangements at the national and provincial levels and its coordination with the international community, in particular United Nations agencies. The Representative notes with appreciation the development by the Government, in cooperation with United Nations agencies, of the norms for the resettlement of internally displaced persons, based on the Guiding Principles. The Representative also welcomes the progress made by the Humanitarian Coordinator, the United Nations Country Team and NGOs in improving the international humanitarian response, which has resulted in the stabilization of displaced populations, demonstrated most visibly by the resettlement of the majority of vulnerable displaced populations previously residing in deplorable conditions in transit centres.

114. Such developments notwithstanding, the Representative's visits to the field revealed that coordination often is not effective on the ground and that a number of serious humanitarian and protection concerns remain which must be addressed. In particular, the Representative is concerned at the lack of effective protection accorded to the physical security and human rights of the displaced and the civilian population. In the light of such concerns, a number of recommendations, already introduced in appropriate contexts in the previous sections, are summarized in this concluding section.

Development of standard operational procedures to ensure the uniform implementation of the norms on resettlement and the involvement of humanitarian organizations in security assessments

115. Given the increasing emphasis on resettlement of displaced populations, the Representative encourages MINARS, in cooperation with international agencies, to draft standard operating procedures to ensure implementation of the technical provisions provided in the MINOPS. The Representative also encourages MINARS to ensure the involvement of humanitarian agencies in security assessments of prospective resettlement sites and to provide mechanisms for resolving conflicting security assessments of specific sites between the authorities and humanitarian organizations.

Full implementation of the norms on resettlement within security perimeters

116. The Representative stresses the fundamental need to ensure the safety and security of the displaced. To the extent to which resettlement is required, it must be undertaken within the security perimeters of towns and cities and in full accordance with the norms on resettlement and applicable human rights standards.

Increased engagement of the Government and donors in the humanitarian response

117. While acknowledging the increasing efforts of the Government to respond to the humanitarian situation, the Representative strongly recommends that the Government commit additional resources to the humanitarian effort, not least because a greater and more visible commitment on the part of the Government might prompt a similar response from donors. Angola is one of the richest countries in Africa in oil and other resources and should be able to shoulder a larger part of the humanitarian burden.

More effective coordination within the Government and with the United Nations and NGOs, and reinvigoration of the Humanitarian Coordination Group

118. While some improvements have been noted, problems remain at the national level between different ministries which impede the efforts of the United Nations to advocate policies effectively with the Government. In an effort to address these problems, the Representative urges the reinvigoration of the national Humanitarian Coordination Group, which should bring all relevant governmental and international actors together on a monthly basis. Similarly, emphasis should be placed on ensuring more effective coordination at the field level through the active participation of all relevant actors in provincial coordination structures, including monitoring the implementation of humanitarian assistance.

Agreed criteria for targeting food distributions

119. The Representative, noting the existence of the Vulnerability and Assessment Working Group, underlines the importance of ensuring that there is a consensus among humanitarian partners on the criteria on which targeted food distributions are based, so as to ensure that all vulnerable groups receive food distributions on which, for lack of alternatives, they depend. In this connection, the Representative reiterates his concerns that reductions in general food distributions have been forced on WFP by donors at a time of significant increases in admissions of moderately malnourished displaced and resident children to supplementary feeding centres.

Increased access to populations in need

120. Given the security constraints in areas that are not under government control, the Representative recommends that international agencies and NGOs cooperate more fully with church groups and national and local NGOs which are able to operate in insecure areas and have access to the displaced.

Adequate maintenance and repair of airstrips and provision of logistical capacity

121. Given the humanitarian operation's continued dependency on air transportation, the relevant authorities should ensure that airstrips such as that at Kuito are repaired as soon as possible and adequately maintained thereafter. Requests by WFP for additional aircraft should be responded to positively, so as to ensure that existing levels of access are maintained if not increased.

Extension of vaccination coverage

122. In view of the prevalence of polio and other diseases amongst displaced populations, especially children, the Representative suggests that the Government consider the possibility of allowing international agencies to extend vaccination coverage to UNITA-held areas, assuming that adequate security guarantees can be obtained.

Provision of primary and also secondary education

123. The Government should take steps, beginning with an increase in the allocation of resources to the Ministry of Education, to ensure that displaced children and children in general have access to primary and secondary education. Failure to invest sufficiently in education may have serious consequences for the future development of the country.

Increased awareness of abuses against children

124. The Representative was particularly alarmed by reports that children are being abducted and traded by UNITA for use as forced labour. Local NGOs and church groups which may have access to the areas concerned are encouraged to collect additional and more detailed information, which should be brought to the attention of the national authorities and the international community.

A more focused and active approach to protection by the Government in particular and also by the international community

125. Given that the primary responsibility for the protection of the displaced rests with the Government, the Representative suggests a number of courses of action which could be taken by the authorities:

(a) National legislation on internally displaced persons. The Government is encouraged, in cooperation with the international community, to develop and adopt national legislation which clearly articulates the rights of the displaced and the obligations towards them of the national authorities and other actors, such as UNITA.

(b) Dissemination of the Guiding Principles. Efforts should be undertaken to raise awareness among the displaced of their human rights as restated in the Guiding Principles. To this end, wide dissemination of the Principles among local NGOs, church groups and displaced communities is essential.

(c) Training of military and police personnel. Greater efforts should be taken to train the military and police on the human rights of the internally displaced and the civilian population, so as to enhance protection and help prevent arbitrary displacement. The Representative welcomes the efforts which are being taken to this end by the Human Rights Division of UNOA and by ICRC and recommends that such efforts be expanded.

(d) Timely receipt of salaries and supplies by military personnel. In an effort to prevent looting by government troops and the harassment, violence and displacement associated with it, the Representative suggests that the Government take the necessary measures to ensure that military personnel receive salaries and supplies in a timely manner.

(e) Accountability of police and military personnel. The Government must take suitable measures to ensure that its military and police personnel are held accountable for human rights violations against the displaced and civilian population. The Ministry of Justice's proposed policy to ensure accountability of police and military personnel should be finalized as soon as possible and the requisite human and financial resources provided to make it effective on the ground. The Attorney-General is requested to instruct his provincial-level staff to visit the displaced, collect testimony and information on human rights violations, and instigate criminal proceedings against the perpetrators.

(f) Issuance of personal documentation. Given the problems of harassment experienced by the displaced, the Representative recommends that the Government take the necessary steps to issue to all internally displaced persons all documents necessary for the enjoyment and exercise of their legal rights. In particular, the authorities should facilitate the issuance of new documents or the replacement of documents lost in the course of displacement.

(g) Judicial capacity building and accountability. Serious efforts need to be undertaken to build the national and provincial capacity to prevent and address protection problems. The Representative proposes that the Human Rights Division of UNOA and UNICEF, in cooperation with the Government, consider seeking funds for the proposed project on strengthening the judiciary at the municipal level within the framework of a technical cooperation project with OHCHR.

(h) Enhanced protection role for the international community. In the absence of effective national and provincial capacity to address and prevent protection problems, it is imperative that the international community enhances its role in regard to protection. A number of measures are suggested in this regard:

(i) Convening of a brainstorming session on protection, for all relevant members of the humanitarian community, using the IASC protection policy paper as the basis for discussions and strategy formulation;

(ii) Despatch of an inter-agency mission to the country to assist in a thorough review of protection issues and to identify appropriate response and preventive strategies; in this regard, the Representative strongly recommends that the forthcoming

mission to Angola by the Senior Inter-Agency Network give due focus to protection issues and strategies for response and prevention, including by ensuring that members of the mission have sufficient expertise in protection work;

(iii) Enhancement of the international protection presence in the provinces to ensure effective monitoring, reporting and follow-up on violations of the rights of the internally displaced, including training of field-based staff in identifying and raising protection concerns, either directly or through other actors at the national, regional or international levels; revision, if necessary, of the design, placement and content of relief activities, so as to deter human rights abuses; expansion of the UNOA Human Rights Division's capacity and presence throughout the country; establishment of a protection working group within each province; and the establishment of a small protection strategy team in Luanda to support the provincial-level protection working groups. In addition, given its comparative advantage in protection, UNHCR is encouraged to examine further possibilities for an enhanced presence and the development of nationwide inter-agency protection strategies in regard to internally displaced persons.

Landmines

126. Given the catastrophic landmine situation throughout the country and the problems it gives rise to in terms of security, access and resettlement, the Government is strongly encouraged to implement the Ottawa Convention without delay. Adequate donor response to the 2001 CAP is necessary to ensure a comprehensive approach to mine action, which the donors themselves favour.

Comprehensive peace and national reconciliation

127. Although the Government claims to control over 90 per cent of the country, UNITA is still able to effectively employ guerrilla tactics which are exacting a heavy price on the displaced and civilian population. Moreover, the ongoing state of insecurity is a major constraint on the humanitarian response and undermines the long-term development prospects for the country and the possibility of durable solutions for the internally displaced. As such, vigorous efforts must be pursued by all relevant actors towards the achievement of a sustainable political solution to the conflict, and national reconciliation.

128. In the space of seven months, from April to November 2000, the Government and the international community have taken significant steps to improve the conditions of the internally displaced in Angola. And they have done so in very difficult circumstances, characterized by ongoing insecurity, problems of access, logistical difficulties and reduced donor support. Such developments and constraints notwithstanding, further substantial efforts are required to address effectively the ongoing humanitarian and, especially, protection problems identified in this report. The international community has a clear role to play in addressing these problems. However, its efforts should not be substituted for those of the Government but should support the Government, which, in turn, should seek to consolidate its leadership role and fully assume its responsibility for the displaced, including by providing increased financial resources to the humanitarian effort.

Notes

[1] Statement by Ambassador Richard Holbrooke, Permanent Representative of the United States to the United Nations, Cardozo Law School, New York, 28 March 2000. USUN Press Release 44(00).

[2] OCHA, United Nations Consolidated Inter-Agency Appeal for Angola, January-December 2001, November 2000.

[3] OCHA, United Nations Inter-Agency Mission to Angola, 18-23 March 2000. Findings and Recommendations.

[4] OCHA, Angola: Report on Rapid Assessment of Critical Needs, April 2000.

[5] Amnesty International, Angola: Human Rights - The Gateway to Peace, AFR 12 January 1999, February 1999.

[6] Human Rights Watch, Angola Unravels: The Rise and Fall of the Lusaka Peace Process, September 1999.

[7] United States Department of State, 1999 Country Reports on Human Rights Practices, 2000.

[8] As indicated in section III.C of the present report, the Representative found protection problems to be more extensive in scope than as noted in the rapid assessment.

[9] Human Rights Watch, note 6 above.

[10] Ibid.

[11] Save the Children (UK), War Brought Us Here - Protecting Children Displaced in Their Own Countries by Conflict, 2000, p. 41.

[12] Anna Richardson, Internal Displacement in Southern Africa: Focus Angola, Writenet Country Paper, April 1999.

[13] Economist Intelligence Unit, Country Profile: Angola 1999-2000, 1999.

[14] WFP, WFP Assistance to Internally Displaced Persons: Country Case Study on Internal Displacement - Internal Displacement in Angola, November 1999.

[15] OCHA, Internal Displacement in Angola - A Review of UN Strategic Coordination, November 1999.

[16] Save the Children (UK), Survey to Assess the Food Needs of the Population of Huambo, Angola, August 18-29 2000, October 2000.

[17] MSF, Angola: Pretence of Normality, 9 November 1999.

[18] See further, Diane Paul, "An integrated, strategic approach to the protection of internally displaced persons", Jacob Blaustein Institute for Human Rights, 14 November 2000. See also, Mark Frohardt, Diane Paul and Larry Minear, Protecting Human Rights: The Challenge to Humanitarian Organisations, Occasional Paper No. 35, Thomas J. Watson Jr. Institute for International Studies, 1999.